

# A THEOLOGICAL DISPUTATION CONCERNING the Oath of Allegiance, dedicated to the most Holy Father Pope

PAVL the fifth,

WHEREIN ALL THE PRINCIPALL ARGUMENTS which haue hitherto beene brought by Cardinal Bellarmine, Jacobus Gretzer, Leonard Lessius, Martin De canus, and diuers others, against the new Oath of Allegiance, lately established in England by Act of Parliament, are sincerely, perspicuously, and exactly examined

By Roger Widdrington, an English Catholike.

Translated out of Latin into English by the Author himselfe, whereunto hee hath also added *An Appendix*, wherein all the arguments, which that most learned Diuine *Franciscus Suarez*, hath lately brought for the Popes power to depose Princes, and against the aforesaid Oath of Allegiance, are sincerely rehearsed, and answered:

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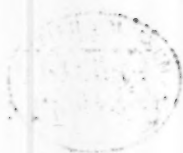
*Thou shalt sweare the Lordlinesh, in truth, and in iudgement, and in iustice. Ierem. cap. 4.*



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*Permissu Superiorum. 1613.*





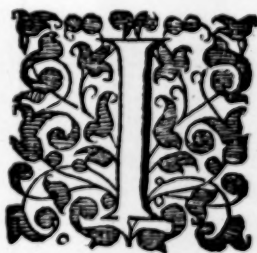


TO THE MOST  
HOLY, AND MOST  
BLESSED FATHER POPE

PAVL THE FIFTH, ROGER

WIDDINGTON an English

Catholike wisheth euerla-  
sting happinesse.



I T will doubtlesse seeme  
strange vnto *your Holinesse*  
(*most blessed father*) how  
I so boldly durst aduen-  
ture to take in hand this  
disputation concerning  
the *Oath of Allegiance*,  
which *your Holinesse* hath  
already by your *Breues* declared to be cleerely re-  
pugnant to the Catho like faith, and with all to  
dedicate the same vnto your *Holinesse*. But if  
*your Holinesse* will be pleased to consider aduised-  
ly the true state of this controuersie, both concer-  
ning the *Papall* authoritie to depose Princes, and  
also concerning the lawfull taking of this *oath of*  
*Allegiance*, and carefully to obserue the prepo-  
sterous manner of proceeding, which my aduer-

## The Epistle

faries haue vsed in impugning my doctrine, and in maintaining their owne, and diligently to examine the reasons, which did moue me to write, I make no doubt, but that *your Holinesse* will presently perceiue, that I am free from all temerarious presumption, and that I am very cleere from all those slanderous imputations, whereof some men haue in publike writings falsely accused me, and that with farre greater reason I could returne their calumnies against me, backe vpon them selues.

<sup>a</sup> In the Preface to my Apologeticall Answerre num. 8. and in the Answer I sweare it selfe nu. 111.

2 And first of all *it was neuer my meaning*, as heretofore<sup>a</sup> in the verie same words I haue declared, *when I did set forth my Apologie for the rightfull power of Princes against Cardinall Bellarmine, to impugn the common opinion of Diuines, which granteth to the Pope authoritie to depose Princes, as apparantly false, and with inuincible arguments to demonstrate the contrarie opinion to be true; but whereas some very few later Diuines, and especially Cardinall Bellarmine only in a later Edition of his workes, yet bringing no other reason to proue the same, then in his former Editions hee had brought, doe so slistly, and with such vehemencie defend this authoritie of the Popes Holinesse to depose Princes, that they imagine to haue most cleerely conuincd the same, and feare not to charge with heresie all those Catholikes, who in this point doe not run with them; this only was my intent,* (to the end I might learne the truth in a matter of so great importance, as is to know what is heresie) *to giue at the least a probable answer to the arguments of Cardinall Bellarmine* (whom

## Dedicatorie.

(whom rather then any other writer I tooke vpon me to confute, both for that he had out of all the best writers gathered all the chiefeft arguments which to proue this authoritie were moft forcible, & also for that he being now aliue knew best how to maintaine his owne opinion, and being a question of such great moment, would also by all likelihood defend the same) and consequently I did only intend to shew probably out of his owne principles, and not inuincibly to conuince, that his arguments for confirming this authoritie were not so certain & insoluble that as they did evidently demonstrate, that those Catholikes, who doe not approue the said authoritie, are not to be numbred among the faithfull, and true beleeuers, or not to be admitted to the participation of holy Sacraments. Therefore the present controuersie, which is at this time betweene me, and Cardinall Bellarmine is not concerning this absolute question or proposition, which the Diuines doe commonly defend, to wit, whether the Pope hath authoritie to depose Princes for heresie, but concerning this modall proposition, whether it be so certaine, and without all controuersie, that the Pope by Christs institution hath the said authoritie to depose Princes, as that those, who defend the contrarie opinion to be probable, doe expose themselves to manifest danger of heresie, error, or any other mortall sinne.

3 By which it is euident, that I haue not taken vpon me to demonstrate, but only to answere probably; and therefore I can not iustly be blamed, if I haue not brought altogether demonstratiue reasons, or answers; for it is sufficient for my pur-

## The Epistle.

pose, if for the confirming of my opinion I haue either brought at the least wise *probable reasons*, or else haue giuen only a *probable answere* to the reasons of Cardinall Bellarmine, or of any other who hath taken vpon him his defence: for *probabilitie* of one thing, and *certaintie* of the contrarie can not stand together, neither can there be alleadged any *probable answere* to a reason which is *truly demonstratiue* and *innincible*. But *he that imagineth to overthrow my Apologie* for the right of Princes *only with plausible, and probable arguments*, is both *himselfe grossly deceiued*, and will also *very easily deceiue his Reader*; for *he that will take vpon him to demonstrate his opinion to be certaine, & to be beleeued as a point of faith, and to conuince the contrarie to be heretical, & which can not probably be defended by any true Catholike, must of necessity produce either vnanswerable authorities, or inuincible reasons, and to which no probable answere can be giuen*. And this is the true state of the question concerning the *Popes Holinesse* power to depose Princes. Now what profit this manner of disputing bringeth to Princes, I haue shewed in the end of my *Apologie*<sup>b</sup>, and this benefit Subiects doe reape thereby, that, besides the knowledge of the truth in a matter of so great importance, as is to discern a *probable doctrine* from *hereticall*, they shall most cleerely perceiue, that for the defending of opinions, which are onely *probable*, they are not bound to cast away there whole temporall estate, to incurre the high displeasure of their Prince, and to  
expose

<sup>b</sup> See also beneath cap. 3. se. 2. nu. 4.

## Dedicatorie.

expose their whole posterity to danger of perpetuall beggerie.

4. Neither is the state of this controuersie concerning the *Oath of Allegiance*, which doth greatly depend vpon the former question of deposing Princes, vnlike to the state of it. For they that are of opinion that the *Oath* may lawfullie be taken, are for this cause moued thereunto, for that they are perswaded, that by the Law of God they are bound to obey the command of their lawfull Prince, so long as it doth not appeare, that he commandeth them any vnlawfull thing, or which exceedeth his authority to command. And therefore these men thinke it to be sufficient for them, if they doe but make a *probable answere* to all the arguments which are drawne from the authority of holy *Scriptures*, *Councells*, *Canons* of holy Church, your *Holineesse Breues*, and from Theologicall reasons, or any other proofs, which do seeme cleerely to demonstrate, that the whole Oath, or any part thereof is repugnant to faith or saluation, or doth exceede his *Maiesties* authority to commaund. But they that will take vpon them to conuince that *this Oath* cannot bee taken by any man with a *probable*, and consequently *safe conscience*, it is not enough for them to bring only either *probable reasons*, or *probable authorities*, but they must also bring *such demonstratiue*, and *inuincible arguments*, to which no *probable answere* can be giuen. But this they will neuer be able to doe, for it is an easie matter to cite some texts of holy Scripture, *whatsoeuer thou shalt loose, feede my sheepe*

## The Epistle.

sheepe, If you haue *Secular iudgements*, &c. also some *Generall Councells*, that of *Laterane*, that of *Lyons*, and that of *Trent*, some *Canons* of *Holy Church*, *Nos sanctorum*, *Iuratos*, *Absolutos*, and three *Breues* of your *Holineffe*, for the confirming of their opinion; But that this is the true meaning of the *Scripture* which they pretend, that this is necessarily concluded from the *Councells*, *Canons*, and your *Holineffe Breues*, which they would haue, I doe not say, *onely probably to perswade*, but by a *demonstratiue argument* to which no *probable answer* can bee giuen *evidently to conuince* this truely is a thing of too too great difficulty. And this is the reason, *most Holy Father*, which maketh me to be so confident against such learned Aduersaries. For I am confident in the cause, which I am certainly perswaded to be most iust, and not in my owne learning which I acknowledge to be but very little. For it is sufficient for me to bring reasons, or answeres, which at the least are *probable*, which in a *disputable matter* is not very hard to do; but my aduersaries, vnlesse they bring *demonstratiue arguments*, and which *evidently doe conuince*, and doe cleerely confute my answeres as altogether *improbable*, they labour all in vaine, and they will at length perceiue, that they do not fight against that doctrine, which I haue taught, but against that, which they themselues haue faigned.

5 Secondly, the manner, which my aduersaries haue obserued in confuting my Doctrine, & confirming their own, is too too exorbitant. For to that which hitherto I haue written, two Do-

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## Dedicatorie.

*ctors* of Diuinity haue made an answer, to wit, *Edward weston*, and *Adolphus Schulckenius*; (if *Schulckenius*, and not Cardinall *Bellarmino* himselfe, as *D. weston* hath constantly auerred to many, be the principall Author of that booke;) but both of them so vnfoundly, guilefully, bitterlie, that they doe plainly shew, that they rather desire by imposing vpon mee that which I neuer saide, and by reproachfull speeches to disgrace my person, then by solide reasons, & arguments to confute my doctrine, & to defend their owne. For eyther they charge mee with those things which I neuer wrote, nor imagined; or those things which I haue written, they doe in such manner depraue, that they doe altogether misconceiue the true meaning of them, and so they do not impugne, what I haue affirmed, but what themselues haue inuented, or else they doe so couldly confirme their owne opinion, that although with their clamours they fill the eares of the vnlearned, yet the learned may plainly perceiue, that they are cleane overcome, and that they prosecute their cause not so much by arguments, as by reproachfull speeches; and lastlie they would willingly that their owne vncertain inferences out of the *holy Scriptures* and *Councells*, which we haue heeretofore fully satisfied, should be accounted infallible positiōs of faith; al which partly I haue beneath briefly insinuated, lest that I should be more troublesome to *your Holinesse*, then a supplicatorie letter doth require, partly I will shew heereafter, God willing, more at large.

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## The Epistle

Wherefore if *your Holinesse* relying vpon the learning, and conscience of these men, or of others of greater place, and dignity, and giuing credit to their false informations, should condemne my writings as *hereticall*, or *erroneous*, as *Doct<sup>r</sup> Weston*, and *Doct<sup>r</sup> Schulckenius*, or if *D. Weston* bee to bee beleeued, *Cardinall Bellarmine* himselfe, haue falsly and iniuriously laide to my charge, what great wrong *your Holinesse* should doe me, & what occasion of no small scandall you should giue to the aduersaries of the Catholike Church, I remitto the iudgement both of *your Holinesse*, & also of the whole Christian world: Neither is it vnknowne to *your Holinesse* how that certaine bookes, which if neede shall require, I wil heereafter name, where some few yeares since, by a particular decree of the *See Apostolicke*, and *Generall Inquisition* through the euill information, and importunity of some certain men, condemned as *erroneous*, and if I doe not forget, as *flat hereticall*, who neuerthelesse did afterwards, the matter being better examined, recall the former sentence by a new decree, which did not contain so seuer a censure.

6 Now what manner they haue held in impugning this *Oath of Allegiance* from the beginning hitherto, I wil with as much breuity, as may be, sincerely declare vnto *your Holinesse*. It is well knowne, and publicke to the whole Christian world, and which I cannot but with greefe rehearse, how that horrible, and infamous conspiracie of the Powder-Treason, plotted by certaine

## Dedicatorie.

Catholickes vpon a preposterous zeale to aduance the Catholike religion, intending to blow vp with Gunpowder the whole house of *Parliament*, together with the *Kings* and *Queenes* most excellent *Maiesties*, their Royal issue, & the three States of the Realme, & innumerable other persons of euery state, and condition, was the principall occasion of deuising & enacting this *Oath of Allegiance*. For in the next *Session* of *Parliament* after this detestable conspiracie was but newly discouered, it was thought conuenient by all the States of this kingdome to frame the aforesaid *Oath of Allegiance*, and to ordaine, that it should bee tendred to all sorts of Catholickes vnder most greuous punishments to all them who did refuse it, thinking this to bee a most fit meanes for the better discovering heereafter of such like traitors, and preserving of his Maiestie from such like future conspiracies. The Law being now enacted there was a great, and long consultation among Priests what Catholikes ought to do in this case. At the last *Master George Blackwell* beeing then *Arch-Presbyter* of the English Priests was resolved to be of this opinion (which the greater part of Priests, who came then to London to know what was to be done in this so difficult a matter, did also follow) that this *Oath*, according to the plaine and common vnderstanding of the words, might with a safe conscience be taken by any Catholike. But this resolution of *Master Arch-Priest* was nothing pleasing to certaine Iesuites, and some other very few Priests in

## *The Epistle*

comparison of the rest. And from hence all this sturc and controuersie concerning the taking of this Oath did first arise. For those Iesuites did vehemently oppose themselues against *Master Arch-Priest*, and did constantly affirme that they would reuerse whatsoeuer had bene concluded by him, & that they would procure a *Breue* from *your Holinesse* to command all Catholikes not to take the *Oath*. Which truely with very great expedition according to their promise they did performe. For, although a certaine *Priest* not of the meaner sort did presently vpon *Master Arch-Priests* resolution with all the speede hee might write to *Master Nicholas Fitzherbert* beeing then at *Rome*, and did sincerely relate vnto him how all things had past, earnestly requesting him, that either by himselfe or by meanes of some *Cardinalls* hee would effectually deale with *your Holinesse*, that you would not bee perswaded to send hither at this time, and things standing as they doe, any *Breues* to forbid the taking of the *Oath*, lest that otherwise your authority, as well temporall to depose Princes, as spirituall to define infallibly without a *Generall Councell*, were more strongly called in question by Catholikes, then euer heeretofore: (For at that time *Master Blackwell* did onely intend to deny the lawfull executing of your power to depose Princes, things standing heere as they doe, and not the aforefaide either spirituall, or temporall power it selfe) yet this answer he receiued from *Master Fitzherbert*, that these letters, although they came to his hāds

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## Dedicatorie.

in a very short time, yet they came too late, for that it was determined at *Rome*, that your *Breues* should presently bee sent hither to forbid the *Oath*. Whereupon *Father Parsons* fearing least our English Catholikes would be drawne away by the authority of *Master Arch-Priest*, and of the other *Priests*, who followed his opinion, sent instantly hither his letters (the true copie whereof I will beneath & set downe) which were certaine forewarnings of your future *Breues*, wherein he gaue English Catholikes to vnderstand, that there was at *Rome* a consultation of seuen, or eight of the learnedst Diuines that could be chosen, and all were of opinion, that this *Oath* vnder this forme of words could not bee taken by any man without denying the Catholike faith, for that the *Popes* authority in chastizing *Princes* vpon a iust cause is *de fide*, and moreouer that your *Holineesse* gaue the like answer to the same *Father Parsons* in the presence of *Master Thomas Fitzherbert*. But because very many Catholikes with vs (as will appeare by this disputation) do not well perceiue from whence any good inference can be made, that your authority to chastise *Princes* in generall is in this *Oath* denyed, they would gladly concerning this point bee more fully instructed by your *Holineesse*.

7 Not long after this letter of *Father Parsons*, your *Holineesse* sent hither your first *Brene*, wherein you expressly declared, that this *Oath*, cannot lawfully be taken by any man, for that it containeth many things which are cleereley repugnant to faith, and salua-

## The Epistle.

<sup>d</sup> For hee was  
very vnwilling  
for feare of in-  
curring your  
holinesse dis-  
pleasure, to  
declare sin-  
cerely his opi-  
nion concern-  
ing the Popes  
power to de-  
pose Princes.

tion. Some few months after it hapned that *Ma-  
ster Blackwel* the *Arch-Priest* was apprehended, &  
being brought before the *Magistrate* he took the  
*Oath* being tendered him; whom *Cardinall Bel-  
larmine* by priuate letters (about which time al-  
so your second *Breue* came hither) did sharply re-  
prehend, as though he had abiured your *Holinesse*  
*spirituall primacie*: But *Master Blackwell* by other  
letters (which by chance came into the hands of  
his *Maiesties* priuie *Counsell*, and which were an  
occasion that hee did more cleerely explaine his  
opinion concerning <sup>d</sup> al the particular claufes of  
the *Oath*) did returne an answer to *Cardinall*  
*Bellarmino*. Against your *Holinesse* his *Breues*, and  
*Cardinall Bellarmine's* letters, the *Kings Maiestie*,  
cōcealing at the first his name, did write an *Apo-  
gie* in defence of the *Oath of Allegiance*. To which  
*Apologie* *Father Parsons* in English, and *Cardinall*  
*Bellarmino*, *Iacobus Gretzer*, *Leonard Coquæus*, *An-  
tonius Capellus*, *Martinus Becanus* & diuers others  
did answer in Latine: But all of them did so  
slenderly handle the question of the *Oath*, which  
was the principall controuersie, that the English  
Catholickes, who did before thinke the *Oath* to  
be lawfull, were thereby more confirmed in their  
opinion, and the rest, who fauoured the *Iesuites*,  
did not a little blush to see a matter of so great  
importance so weakely handled. For these Di-  
uines, otherwise doubtlesse most learned, doe la-  
bour to proue, that in this *Oath* is plainly deny-  
ed the *Popes Holinesse spirituall primacie*, his power  
to excommunicate, and to bind and loose, which  
neuer-



## Dedicatorie.

neuerthelesse the defenders of the *Oath*, as will appeare beneath, doth thinke to shew sufficiently to be false. Neither is there scarce any (*learned*) Priest with vs, the *Iesuites* only excepted, & those not all, who is of opinion, that there is any thing contained in this *Oath*, which is cleereely repugnant to faith, as *your Holinesse* in your *Breues* hath declared, and therefore neither dare they publicly defend the same, but least that they should seeme to bee wholly discomfited, some of them fly to certain other arguments of lesser moment, which in their due places I will rehearse. Wherevpon betwixt a certaine *Iesuite*, who was then prisoner in the *Gatehouse*, and some other Priests, who at the same time were prisoners in *Newgate*, (yet all of them very vehement against the *Oath*) there was by intercourse of letters a great contention concerning this matter; But at the last these *Priests*, who affirmed that the oath neither contained in it any heresie, or error, compelled the *Iesuite* by force of disputation partly to silence, and partly to interpret his opinion in a milder sort.

8 And this is the reason (*most holy Father*) why very few Lay-Catholikes of any name, or worth with vs doe refuse to take the *oath*, being tendered them by the Magistrate. For while they aduisedly call to remembrance, that this *oath*, before it was by *your Holinesse* declared to be cleereely repugnant to faith, and saluation, might with a probable, and consequently with a safe conscience be taken by any Catholike, by reason of the  
autho.



## The Epistle.

<sup>e</sup> See what is  
a declarative  
precept be-  
neath cap. 1.  
sec 4. nu. 1. &  
2. in the end.  
<sup>f</sup> Cap. 10. sec.  
2. nu. 4 1. and  
thereft.

authoritie of so many learned , and vertuous Priests ; and with all they doe now not only consider, that your *Holineffe* prohibition , being a meere *declarative precept* <sup>e</sup> , can haue no greater force to bind, then the reason wherein it is founded , and whereon it wholly dependeth , as beneath <sup>f</sup> out of the doctrine of *Franciscus Suarez* shall be made manifest , but also they are probably perswaded , that your *Holineffe* was by Cardinall *Bellarmino* , and Father *Parsons* wrongfully informed of the reason , for which you forbade them to take the *oath*, to wit, *for that it containeth many things , which are cleerely repugnant to faith, and saluation* ; seeing that neither your authoritie to chastise Princes, to excommunicate them , to inflict censures , or any spirituall authoritie which is certainly knowne to be granted by Christ to Saint *Peter*, and his Successours is in this *oath* denied , as Cardinall *Bellarmino* , whom Father *Parsons*, & diuers others Diuines of the *Societie of Iesus* doe imitate , doth by fallacious inferences labour to deduce ; they can not as yet sufficiently perceiue , by what forcible argument they are bound with the perpetuall temporall overthrow of themselves, and there whole posterity to obey your *Holineffe declarative command* , which at the most is grounded vpon a probable reason. Neither doe they imagine that they ought therefore to be accounted rebellious to the See Apostolike, for that they, reseruing otherwise all dutifull reuerence to your *Holineffe* , doe not in a matter which is so preiudiciall vnto them, obey your *Holineffe*

## Dedicatorie.

*lineffe* Apostolicall letters, which either are written vpon false information, or grounded onely vpon a probable opinion. For although they be most willing to loose all temporall goods, yea, and life it selte for the Catholike faith, neuertheless for defending of opinions, although they be receiued almost by the *Vniuersall Church* not as points of faith, but only as probable opinions (for they are not ignorant, that betwixt the Church firmly beleeuing, and onely probably thinking a great difference is to be made) to be depriued of al their goods, to be accounted Traitors to their Prince, and Countrie, and moreouer to suffer their children, nephewes, kinsmen, & their whole posteritie which this our age doth so much labour to aduance, to be brought to perpetuall beggerie without incurring any danger of denying the Catholike faith, or committing any mortall sinne, they thinke it to be neither wisdome, nor charitie. And therefore they both thinke themselues to be more hardly dealt with all, that hauing so long time endured so great calamities, there should be now so heauie a burden laid vpon them by him, from whom they rather expected to haue receiued some comfort, as that they should be enforced, to the viter ruine of their whole posteritie, besides the perpetuall losse of their owne goods and libertie, and also, which is most grievous to them, with manifest danger to incurre the high displeasure of their Prince, being otherwise very mercifull, to defend opinions which only are probable, & may with-

## The Epistle

out danger of damnation be reiecte by Catholikes; and also they think themselves to be greatly wronged by some few of their countymen, and those for the most part vnlerned persons, as Tailours, Shoemakers, and especially ignorant women, who although they can scarcely reade the *Oath*, yet they doe so bitterly inueigh against it, and the defenders thereof, that they are not afraid publickly to auouch, that it is farre worse to take the oath, then to go to the Protestants Churches, and to communicate with them in Religious seruice, and Sacraments. And doubtlesse if *your Holinesse* were but rightly informed, how scandalously, and vnsincerely some of those persons here with vs, who would gladly in outward shew be accounted vehement impugnors of the *Oath*, carrie themselves in hugger mugger, of whom, if it shall be necessarie, I will hereafter informe *your Holinesse*, truly I cannot tell, whether the tender bowels of your fatherly charitie would rather bee moued to take compassion of those Catholikes, who without dissimulation do defend the *Oath* for causes which they thinke to be reasonable, or to take displeasure against their Aduersaries.

9 I partly pitying the miserable state of these my Catholike Countymen, partly moued at their earnest request, and partly allured with a seruent desire to learne certainly the truth in this so important a matter, as is the denying of the Catholike faith, and the dutifull reuerencing of both the spirituall and temporall authority, haue  
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## Dedicatorie.

composed this Disputation of the *Oath*, faithfully putting downe all the reasons, and and answeres on both sides, and for that cause I haue dedicated it vnto *your Holinesse*, that after you haue carefully examined all the reasons, for which the English Catholikes do thinke the *Oath* may lawfully be taken, *your Holinesse* may provide both for their spirituall and temporall safetie, as to your fatherly wisdom, and charitie shall be thought most conuenient. For as it is not fit that hereticall opinions, which ouerthrow the Church of Christ, should be maintained by Christians for Catholike doctrine, so neither is it meet, that doubtfull opinions, and which are only probable, and therefore not to be beleued with supernaturall, and Catholike beleefe, should be preached for vndoubted assertions of the Catholike faith, and by some priuate Doctors bee forced by violence vpon Christian people to their exceeding great temporall preiudice, and to the notorious scandall of the Catholike Religion; but as the Catholike truth, which is necessarie to Saluation, ought by all Christians to bee found out, and maintained, so that doctrine, which is not Catholike, ought to bee distinguished and seuered from that which is Catholike.

10 And verily if this controuersie had beene of such a nature, that the treating thereof might without danger of doing other men wrong haue been pretermitted, I would not doubles by examining it haue endangered my selfe to incurre *your Holinesse* high displeasure. But considering

## The Epistle

f For some doe chiefly for that cause among the vnlearned people take my *Apologie*, for that it seemeth to confirme the principall points, for which *your Holinesse* hath declared the oath to be vnlawfull.

that it tenderth to the publike good of our Countrie, to the iust defending of my owne innocencie<sup>f</sup>, and of diuers others, and to the declaring of that obedience, which by the law of Christ wee owe both to the spirituall command of *your Holinesse*, and also to the temporall precepts of our *Kings* most excellent *Maeslie*, I haue great hope, and confidence, that *your Holinesse* will not take in euill part, that I not with any obstinate minde, but to informe more fully *your Holinesse* of the whole matter, whereof, as we thinke; you haue not as yet beene rightly informed, and to learne the truth in this so weightie a businesse, I haue sincerely taken vpon me *this disputation*, whereby we may at length be instructed, what authoritie we are bound to grant both to *your Holinesse*, and also to his *Maeslie* according to the principles of the Catholike faith. For both the spirituall and the temporall power we doe reuerence with all dutifull respect; to both of them wee desire to render those things, which are theirs, as well to *Cesar*, which are *Casars*, as which are *Gods* to *God*, what belongeth to either authoritie according to the grounds of Catholike faith, we intend to declare sincerely, vprightly, & without any flatterie at all; being most certainly perswaded, that *your Holinesse* will not take in good part, that any man, vpon ouermuch affection towards the *See Apostolike*, should attribute to the *Popes Holinesse* more ample authoritie, as a thing to be certainly beleeued as a point of faith, then which by necessary, and euident consequence can be proued out of holy

## Dedicatorie.

holy Scriptures, or some definition of the church to be granted him by Christ our Lord: For these me, as very wel saith most learned *Canus*, *do weaken not strengthen, doe overthrow not establish the authoritie of the See Apostolike.* For what will he in the end gain by disputing against heretikes, when they perceive that hee taketh upon him to defend the Popes authoritie not by iudgement but by affection; neither that he endeauoureth to finde out the truth by force of his disputation, but to apply himselfe to another mans will and pleasure? Peter hath no need of our lying, he hath no need of our flattering.

II This therefore (*most Holy Father*) is our most humble supplication to *your Holinesse*, First, that *your Holinesse* will be pleased to examine diligently the reasons, for which our English Catholikes doe thinke the *Oath* may lawfully be taken, and whereof they are perswaded *your Holinesse* is not as yet rightly informed: Secondly, that after you haue thoroughly examined them, you will vouchsafe in regard of your Pastorall carefulnesse to instruct them, which parts of the *Oath* are, (I doe not say only according to a probable opinion of some Doctors, but according to Catholike doctrine, necessarily to be beleueed by all Christians) repugnant to faith and saluation, and therefore cannot be taken by any Catholike with a safe, and probable conscience: Thirdly, that if *your Holinesse* shall finde, that you haue not benee rightly informed of those reasons, for which our English Catholikes doe thinke, that the *oath* may lawfully be taken, and that therefore they haue

8 Lib. 5. de loc.  
cap. 5. prope  
fine.



## *The Epistle.*

not in a matter of so great weight proceeded rashly, and vnadvisedly, you will be pleased to receiue them and their Priests into your ancient fauour, and that if they, or any of them haue, not through their own fault, but through the indiscreete zeale of others suffered any losse or detriment in their good name, or other waies, it may bee restored againe vnto them in that best manner, as shall seeme conuenient to the charitie, iustice, and wisdom of *your Holinesse*. And in the mean time they will not neglect to pray continually to almighty God that he will grant you a long, and happie life to the good of the Catholike Church, to the saluation of your owne soule, and to the comfort of them who are wrongfully oppressed. From  
my Studie the first of Iune

1613.

THE





## THE AVTHORS ADMONITION TO THE READER.



*Here be foure things, Christian Reader, which I thought good to admonish thee of. The first is, that if perchance thou art resolved to make an answer to this Disputation, which I haue composed, thou must call to thy remembrance what is the true state of this present controuersie. For it is not sufficient for thee, as I haue before declared, to produce only probable arguments either against the whole oath, or any part thereof, or else against the Answeres, which I, in the name of them who defend the oath, haue alleadged, but thou must bring arguments, which are plainely demonstratiue, and to which no probable answer can be made; otherwise thou wilt neuer sufficiently demonstrate, that this oath cannot be taken by any man with a probable, and consequently with a safe conscience.*

2 The second, is; *that whereas not long since two Doctors of Diuinitie, Adolphus Schultkenius, (if he be the only Author of that booke which is published in his name) and Edward Weston haue*  
*seemed*

## An Admo

seemed in some sort to answer my Apologie for the Soueraignty of Princes, to whom at this time I being detained with other occasions, cannot commodiously returne a full answer, which neuerthelesse thou shalt, God willing, ere it be long receiue, I thought it conuenient to propound unto thee at this present some things, which thou maist obserue in them. And first of all both of them haue so guilefully dissembled the true state of the controuersie, as though they would perswade the Reader, that I intended to bring euident, & demonstratiue reasons against that doctrine, which defendeth the Popes authoritie to depose Princes, and to dispose of their temporalls, and to proue inuincible, that the reasons, and authorities, which Cardinall Bellarmine bringeth to confirme the said authoritie, to be altogether improbable; whereas contrariwise Cardinall Bellarmine pretendeth to demonstrate, and therefore is not afraid to charge those Catholickes with heresie, who denie the aforesaid authoritie, and I, as both in my Apologie,<sup>a</sup> and in my Apologeticall Answer<sup>b</sup>, I did purposely obserue, intended onely probably to shew, that Cardinall Bellarmine hath not hitherto sufficiently demonstrated, either by the testimonie of holy Scriptures, or tradition of the Apostles, or any definition of the Church, or by any Theologicall arguments, that the Pope hath by Christ his institution any authoritie at all, either directly, or indirectly, either absolutely, or respectiue to the spirituall good to deprive Soueraigne Princes of their temporal Dominions\*: and consequently, that those Catholickes, who denie that authoritie, are not to bee branded with

<sup>a</sup> Nu. 3. & nu.

463.

<sup>b</sup> In the places aboue cited in the epistle to his Holinesse nu. 2.

\* By which it is manifest that I haue not any way altered the state of the question from that I proposed in my Apologie, as some do apprehend, but that they did not diligently obserue the words, which both in the beginning of my Apologie, nu. 3. and in the end, nu. 463 I did purposely and in expresse words set downe.

## to the Reader.

*with any marke of heresie, or error, as Cardinall Bellarmine over rashly affirmeth, or also to bee charged with any crime of temeritie. Which obseruation if thou carefully wilt consider, thou shalt very easily perceiue, that neither Doct̃or Schulckenius, nor Doct̃or Weston doe in there Apologies set forth in defence of Cardinall Bellarmine, impugne that doctrine which I haue taught, but which they themselues haue inuented. For neither doe they demonstrate, that the reasons, or authorities, which Cardinall Bellarmine hath brought, are such, that no probable answer can be made vnto them, neither that the Solutions which I haue made vnto them are void of all probability. For if this doctrine concerning the Popes power to depose Princes be necessarily to bee held as a point of faith, as these Doct̃ors following Cardinall Bellarmine will needes haue it to be, it must of necessity follow, that either Christ, or the Apostles haue deliuered it to the Church by word, or writing, or else it must be gathered, I do not say, only by probable, but by euident, and necessary consequence from those things, which we haue receiued from Christ, or the Apostles. But let them produce but one only authoritie out of holy Scriptures, but one only Apostolicall tradition, but one only definition, but one only Theologicall demonstration, let them insist thereon, let them vrge it as much as they are able, if I doe not giue thereunto a probable answer, I will instantly acknowledge my selfe to be vanquished: if they refuse to doe this, it is manifest, that they seeke euasions, and that they not for desire to find out the truth, but least they should seeme to be overcome, will rather with*

c

clamours,

## An Admonition

clamours, then with reasons yet contend : and moreouer that they doe great iniurie both to the faith of Christ, and the faithfull, whiles they doe not desist to thrust vpon the faithfull people, to their notable temporal preiudice, their owne vncertaine opinions for infallible assertions of the Catholike faith.

3. And verily if for desire to find out, and teach the truth, Doctor Schulckenius had bin sincerely moued to write, he would doubtlesse haue bin greatly ashamed both to delude his Reader so grossely, and also to charge me falsely with such manifest vntruths. And first of all to make me odious to Secular Princes thus he writeth in his Dedicatorie Epistle : *Not farre from the end.* An other thing there is that the same my Aduersarie (meaning Widdrington) who for his owne aduantage crieth out with open mouth, that the power of Princes is diuine, that it is most holily ordained by God through the law of Nature, that Subiects by the law of God owe obedience to Princes ; the same my Aduersarie, I say, when so it fitteth his purpose, cryeth out, that Subiects haue power inherent in themselves, and due vnto them by the law of God and nature, which they can neuer loose or transferre from themselves, ouer Kings, to iudge them, to depose them, to chooseth others, to transferre Kingdomes, to change the manner of gouernment : Thus writeth my Aduersarie. num. 439. and 460.

4. But truly I cannot but wonder that Doctor Schulckenius is not abashed to impose vpon me so manifest an vntruth. For I neuer affirmed, that Subiects haue power ouer Kings, to iudge them, to depose the, to chooseth others, &c. But this only I affirmed

## to the Reader.

*firmed in that place, <sup>d</sup> that whensoever Emperours do utterly forsake the Empyre, neither will protect it any longer, but do leaue the Kingdome to be spoyled by the enemies, and consequently wil no longer reigne ouer the people, nor be their Emperours, or Protectors (as, according to the opinion of Lupoldus Babenbergius, & Michael Coccinius, it happeneed when the people of Rome transferred the Empire to the Germans) in that case the Pope, Senate, and people of Rome by the vertuall, at leastwise consent of all the other people of the West-parts, who were subiect to the Empire, had full right, and authority (which by no custome, or translation of the Imperiall Seate they could loose, it being connaturall and due vnto them by the law of nature <sup>e</sup>) euen according to the doctrine of Cardinall Bellarmine but now related, to appoint ouer themselues a new Emperour, and consequently to transferre the Empire, which the Grecians did only in name hould in the Westerne parts to Charles the great, and his Successours, or to any other, the Imperiall See being in those parts at that time as it were vacant, or without any Emperour.*

*5. Secondly, the same Schulckenius towards the end of his booke doth foully belie me as affirming an other thing, which is farre more dangerous, and doth with more spitefull words aggrauate the same. For, whereas I answering to the authoritie, which Cardinall Bellarmine had brought from the example of Queene Athalia, who by the commandement of Ioiada the high Priest was slaine, did write, that Ioiada the high Priest in killing Athalia did no o-*

<sup>d</sup> Nu. 438. & seq.

<sup>e</sup> To wit, in that case when they had no Emperour, for then they were absolute of themselves, and subiect to none.

<sup>f</sup> Pag. 561. 2d nu. 567.

## An Admonition

*to print  
laungorous  
in print.*

§ The fourth  
of the Kings  
chap. 11. and  
2. Paralip.  
chap. 23.

ther thing, then which euery faithfull Subiect in the like case ought to haue done; which for that cause I did affirme, as in the same place I did declare, for that Ioiada not of his owne authority, but in the name of the King, and of the Common wealth did command that Athalia being an Vsurper, and intending to raise a Conspiracie against the true and lawfull King, and who by the Common wealth was acknowledged and received for such a one, crying out, in the temple to the people as the Scripture relateth, Treacherie, Treacherie, Conspiracie, Conspiracie; Doctor Schulckenius doth so misconstrue my words, as though I should auerre, that euery faithfull Subiect, if he only thinke, that one hath by a bad title vsurped the Kingdome, may, and not only may, but also ought to kill such a Prince. And at last he exclaimeth in this manner: Behold O Kings, and Princes, you haue one who is carefull of your securitie; So obseruant are they of your Princely Maiestie, who doe violate and calumniate the Pontificall authoritie. Euery Subiect, saith Widdrington, not only may, but also ought in such a case to do that, which Ioiada did. O miserable state of Princes, whose Kingdome, and life is subiect to the iudgement of euery private man? If Cardinall Bellarmine had written such a thing, what tumults would not Widdrington make! what clamours would he not raise?

6. But where is your conscience O Schulckenius? where is your sincere and vpright dealing? what hath so greatly blinded your mind, that you should not be ashamed to impose vpon me so manifest a slander? Did

Ioiada



## to the Reader.

*Ioiada only thinke, and not also certainly know, that Athalia had by an vniust title vsurped the Kingdome? Did he not also certainly know that King Ioas a child of seauen yeares age, the true Heire to the Kingdome, whom he himselfe had deliuered from being murdered, was with him alive and safe in the howse of God? Did not he, before he put Ioas in possession of his Kingdome, and caused Athalia to be slaine, enter into league with the Centurions, who as the Scripture saith, went round about Iuda, and gathered together the Levites of all the cities of Iuda, and the chiefe men of the families of Israel, and they came into Ierusalem: and all the multitude made a couenant in the howse of God with the King: to wit, to put Ioas their lawfull King, who was wrongfully detained from his Kingdome in possession thereof: and in the Kings name, and by his authoritie to cause Athalia the vsurper to bee slaine, especially if he should raise any conspiracie against the King: For Ioiada did not by his owne authority, but in the Kings name, and by the Kings authority command Athalia to be slaine. Ioiada, saith Abulensis, <sup>h</sup> represented the Kings person, it was lawfull for the King to command Athalia to be slaine; Therefore also it was lawfull for Ioiada, who represented the Kings person in all things. Tell me now, I beseech you, O Schulckenius, may not euery faithfull Subiect lawfully, and ought not be also in the like case, that is, not by his owne priuate authority, as you faigne, but by the publike authority of the true King, and who is certainly knowne to bee true King, the Common wealth also consenting there*

<sup>h</sup> 4. Reg. q. 20.  
nu cap. 11.



## An Admonition

unto, kill an vsurper, not who is only reputed, but also certainly knowen to be such a one, and who plotteth treason against the true King? Neither doth this doctrine open the way to rebellions, and conspiracies, or expose the liues of Princes to the iudgement of priuate men. But you in this very place doe lay open a wide gapp to rebellions, and renoltings, whiles too too vnadvisedly you do affirme, that the consent of the people is sufficient to giue away to another, the rightfull title to a kingdome from the lawfull Heire, and who also hath no way offended. Athalia, say you, without doubt did tyrannically vsurpe the Kingdome, but hauing reigned peaceably six yeares, it is credible, that, the people by little and little giuing their consent, she obtained a lawfull right to the Kingdome. And neuerthelessse you knew right well, O Schulckenius, that Ioas, who by inheritance was the true and rightfull King, was at that time safe and aliue in the house of God. And this your seditious doctrine was perchance one cause among others, wherefore your booke was publickly burnt in Paris. And therefore prudently Becanus, who in the first edition of his *Controuerfia Anglicana* did teach this very same doctrine, perceiuing his error, did in his later corrected Edition cause that very same sentence to be cleane blotted out.

7. Thirdly, the same Doctor Schulckenius, to disgrace me also with the See Apostolike, as though I taught flat hereticall doctrine, thus hee writeth in the sixth Chapter of his *Apologie*. The second Conclusion: It is hereticall to affirme, that the Pope as Pope, and by the law of God hath not any power

pag. 558.

k pag. 120.

l pag. 356.

power in temporals. This is against *Widdrington*, the Lutherans, and the Caluinists. The third Conclusion<sup>m</sup>. It is hereticall, that the Pope as Pope, and by the law of God hath not any power to command Secular Princes in temporall matters, at leastwise in order to spirituals. This is against *Widdrington*, the Lutherans, Caluinists, &c. And neuerthelesse all my writings do most manifestly teach the flat contrary. For I do not only by the way, but of set purpose, neither once or twice, but very oftentimes in expresse words teach, repeate, and inculcate, that the Pope hath power in temporals not indeed to dispose of them, but to command Secular Princes in temporals in order to spirituall good. With what face therefore dare *Schulckenius* anouch, that I deny that very thing, which in the very same expresse words not once or twice, but most frequently I doe affirme? I omit now diuers other slanders, which this Doctor doth very falsly lay to my charge, of which I will ere it be long, if God permit, most cleerely purge my selfe. In the meane time let the prudent Reader iudge, how little credit is to be giuen to these kind of men, and whether our English Catholickes may safely repose their faith, there consciences, and all the temporall estate of themselves, and of their whole posteritie, vpon the writings of such men, who, to disgrace their Aduersarie, doe of set purpose corrupt his sayings and sentences, in such an important matter as is the teaching of heresie.

8. Concerning Doctor Weston I will say litle at this present, being also hereafter, God willing, to expostulate with him more at large (but modestly) concerning

## An Admonition

<sup>n</sup> Pag 463.

<sup>o</sup> Pag. 156.

cerning his dangerous doctrine, the bitterness of his  
 stile and diuers slanders wherewith hee falsly doth  
 charge me. He saith, <sup>n</sup> that his months worke Dis-  
 putation is not a reuengement of an angry mind  
 against me, (and of that hee calleth God to wit-  
 nes) but a courteous admonition rather of a  
 friend, and brother ; and that patience, <sup>o</sup> and  
 contempt of wrong doth moderate the sharp-  
 nes of his stile ; and that he is not willing to pro-  
 uoke me to anger, and to requite me with railing  
 speeches. And neuerthelesse his booke, or rather in-  
 famous libell is so stufte with railing speeches, that his  
 very friends are ashamed of the spitefull bitterness of  
 this man. For behold the admirable patience of this  
 writer, behold the courteous admonition of a friend,  
 and brother. Impietie, pride, flatterie, and also he-  
 resie almost in euery other page he layeth to my charge.  
 Thou lycst O Widdrington, thy lyes O Widdring-  
 ton are familiar to him, he often calleth me enemie of  
 mankind, a wicked man, a blasphemmer, a pro-  
 phane Idolater of the Ciuill state, impious Apo-  
 logist, impious flatterer, full of Caluin, and Lu-  
 ther, the vicar of Hell, and impious heretike is  
 frequent in his mouth, and diuers other reprochfull  
 speeches hee is often times pleased to bestow vpon me.  
 But if this Doctor, when he is patient, not angry, a  
 contemner of iniurie, my friend and also louing  
 brother could belch vp such foule, and spitefull nick-  
 names, what bitter, and venomous speeches, I pray you,  
 if he had bin angrie, would he haue cast out against me  
 from his raging stomack? But I pittie the weake iudge-  
 ment of this man, of what a weake iudgement hee is  
 this

## to the Reader.

this his booke doth plainly shew, whereof also certaine Doctors of Doway haue giuen sufficient testimonie, who for that cause would not permit, that his booke should be printed at Doway with publike approbation. His spitefull speeches do nothing hurt me, nor profit his cause; doubtlesse they doe great harme to his owne conscience. But in this hee doth me exceeding great wrong, (and thereof I call God to bee a witnes, and reuenger against him) in shamefull affirming, that I conspired to take away his life. First of all, saith hee, thou beginnest a tragedie against me which should haue gloriously ended with my blood, if it had succeeded according to thy desire. God is my witnes, that this is most false, which he chargeth me withall. For I neuer, I call the same God to witnes, did euen in thought plot any thing against the person of this man, neither did I ever wish to him any thing worse then to my selfe. That also which he saith, that I vpon spleene against the Iesuities, wrote my Apologie for the rightfull power of Princes, and that hee by priuate letters did admonish me of my impietie, and heresie, is most vntrue; For neither vpon any spleen against the Iesuities, whose Order I doe reuerence with all dutifull respect, whom this Doctor hauing now with the aire changed also his mind, doth in his booke egregiously flatter, I was moued to write my apology; This only did very much dislike me, and which at the first caused me to write, that some of these Religious men did so stiffly cleane to their owne opinions, that they would needs haue them to be followed by all Catholickes to the exceeding scandall of the Church, and to the great temporall preiudice of our

## An Admonition

English Catholics. Neither did this Doctor send his letters to me, or imagined that they should come to my hands, but by chance by meanes of a friend of mine I came to a sight of them. And verily, if both in the Western, and Northern parts of this Land it had not been reported by many, that a Doctor of Divinitie had excellently confuted my Apologie, and shewed most cleerely, that many hereticall propositions were, forsooth, therein contained, I would never have answered such an idle Pamphlet. But seeing that hee secretly, and treacherously accusing me of heresie, and Paganisme did first assault me, the most iust law of nature giueth me leave to haue care of my credit and good name; in a matter of such moment as is the falling into heresie, and to free my selfe by lawfull meanes from such a foule imputation. And if he in assaulting me hath by the blamelesse defending of my innocencie receiued any scarre, let him not attribute the same to my iust defence, but to his wrongfull setting upon me, who hath prepared for himselfe a pitfall, wherein hee might be caught. I am a Catholicke, and a child of the Catholicke Romane Church; and if any man of what degree soeuer he be, shall wrongfully accuse me of heresie, let him know assuredly, that by the assistance of almighty God, I will by all those meanes, which God, and nature hath granted to innocent men to defend themselves, to the uttermost of my power cleere my selfe of those slanders, untill the Church being perfectly informed of my opinion, shall in plaine, and particular words, (for no man can recall errors, vlesse he know particularly what they be) condemne the same.

## to the Reader.

9. The third thing, which I would admonish thee of (courteous Reader) is, that when this present Disputation was in the Presse, I had a sight of the Apologeticall Disputation of Leonard Lessius, wherein I found an objection alleaged by him to impugn the Oath, which his English Recapitulator (fearing perchance that it would not be pleasing to our English Catholickes) did make no mention thereof, whereas of the rest of Lessius his arguments against the said Oath, he doth not so much make an Abridgement, or Recapitulation, but rather relate them word by word. This Lessius therefore affirmeth, that the Kings of England are Feudaries to the Pope, and hold their Kingdome of the Pope as it were in freefarme, and consequently that no man can lawfully swear, that the Pope in no case whatsoever hath power to depose the King. And this objection, saith Lessius, he neuer saw well answered. The same exception also, although not in expresse words, yet in very deede is taken by Martin Becanus, who although in his English Controuersie set forth by him this last yeere, he doth expressly affirme, <sup>r</sup> that it is certaine to him, that all the parts of the Oath are not false, if they be well declared: For these be true, 1. That King James is lawfull King of England, Scotland, Ireland. 2. That in the same Kingdomes he is Soueraigne, or supreme Lord in temporals; yet in the same his English Controuersie corrected, and set forth by him againe this present yeere, <sup>q</sup> he affirmeth with Cardinall Bellarmine, that the Kings of England are Feudaries to the Pope. And therefore whereas before he did write, that it is certaine to

d 2

him,

<sup>r</sup> Pag. 102.

<sup>q</sup> For his former Edition was censured at Rome by a speciall command of his Holines, as in the Censure it is expressed.



## An Admonition

him, that King *James* is Soueraigne Lord in temporals, *now in his corrected Edition hee leaueth out this word (Soueraigne) or supreme, and only saith,* that King *James* is Lord in temporals.

10. But to this obiection Sir Thomas More once Lord Chancelour of England, whose authoritie both for his singular learning, and particular deuotion to the See Apostolicke is greatly to be regarded, doth very well answer<sup>r</sup> in these words. If he (the Author of the *Beggers Supplication*) say, as indeede some writers say, that King *Iohn* made England, and Ireland tributarie to the Pope, and the See Apostolicke by the grant of a thousand markes: wee dare surely say againe, that it is vntrue; and that all Rome neither can shew such a grant, nor neuer could, and if they could, it were nothing worth: For neuer could any King of England giue away the Realme to the Pope, or make the land tributarie, though he would. Seeing therefore that no King hath power to giue his Kingdome to an other man without the consent of the Kingdome, which comprehendeth not only the Barons, but also the communalitie, neither doth Cardinall Bellarmine, or Becanus alleage any one writer, who affirmeth that the communalitie consented to this gift, or donation of King *Iohn*, or of any other King whatsoeuer, if that may be called a gift, which was not freely giuen, but rather extorted through feare (for Pope Innocent, as Matthew Paris<sup>r</sup> relateth, would not absolue, or make peace with King *Iohn*, who was excommunicated, and forsaken almost by the whole Kingdome, and was by the King of France brought into great distresse, vnlesse

<sup>r</sup> In the Supplication of  
soules, pag. 196

<sup>r</sup> In the life of  
King *Iohn*: the  
yeare of our  
Lord, 1212.  
and 1213.



## to the Reader.

*lesse he would resigne his Kingdome into the Popes hands: wherefore King Iohn (as Matthew Paris saith:) being brought into despaire, did condescend to the perswasions of Pandulfus the Popes Legate, and did grant not without grieve the vnderwritten forme of peace) I do not perceiue, how the aforesaid obiection doth sufficiently proue, either the kingdome of England to be tributarie to the Pope, and the King to be his Feudarie, although we should also admit, that the King did giue the Kingdome to the Pope by the consent of his Barons, or that the English Catholickes may not probably perswade themselves, and this their perswasion confirme by Oath, that King Iames, and not the Pope is their Soueraigne Lord in temporals, and that the Pope hath not by reason of this Soueraigntie or supreme dominion in temporals any power to depose the King.*

*II. To conclude, I would gladly, that Becanus would sincerely declare vnto vs, for what cause hee in his new corrected English Controuersie, was moued to put out that word (lawfull King) whereof in his former Edition he made no scruple, but was certaine thereof. This very last yeere Becanus was certaine, that King Iames is lawfull King of England, and that hee is Soueraigne or supreme Lord of this Kingdome in temporals. This yeare it is lawfull for vs English men, according to Becanus opinion, to acknowledge King Iames to bee King of England, but not lawfull King, to be our Lord in temporals, but now our Soueraigne Lord. What manner of Allegiance we may according to his opinion make the next yeare, seeing that certainties doe so easily become*

The yeere  
1213.

## An Admonition

to him vncertainties, we cannot know as yet. In very truth I am sorrie, that such and so learned men doe in a matter of so great importance upon slight reasons so easily change their opinions, and doe by their inconstancie, and mutabilitie seeke to bring vs English Catholickes into so great calamities. And whether necessitie compelleth vs to oppose our selues with all our might against this kind of doctrine, which especially here in England is both very scandalous to the Catholike Religion, and greatly preiudiciall to the temporall estate of vs English Catholickes, I remit to the iudgement of any indifferent man, who is both well affected to the See Apostolike, and also to the Kings Maiestie.

12. The fourth and last thing, whereof I would admonish thee, is, that when the printing of this Disputation was almost fully finished, there was sent vnto me an English booke printed but lately, and entituled, A Supplement to the discourse of Master Doctor Barlowes Answere, &c. composed by F. T. Wherein this Author in the two first chapters maketh a long discourse to prone, that this Oath of Allegiance is alsogether vnlawfull, and cannot with a safe conscience be taken by any Catholicke. And this is the summe and substance of his whole Discourse. First of all he supposeth that in this Oath is denyed the Popes power not only to depose, but also to excommunicate Princes, if they shall deserue it, and the safetie of soules shall necessarily require it. From whence he afterwards<sup>u</sup> concludeth, that although the Oath doth not expressely affirme, the Kings Maiestie to bee the supreme head of the English Church,

nor

## to the Reader.

nor in plaine words denie the *Pope* so to be; yet it supposeth, and implyeth both the one, and the other; and thereupon denyeth the Popes authoritie to excommunicate, and depose a temporall Prince. And howsoever the matter bee otherwise coloured, it is cuident enough, that the true reason, for which the said authoritie of the *Pope* is impugned in the Oath, is no other, but because the *Kings Maieslie* is held to be no way subiect to the *Pope*, yea and to bee himselfe supreme head of the Church of God in England. *This being supposed, this Author endeuoureth to proue the Oath to bee repugnant to the law of God, of nature, of Nations, to the Ciuill, and Canonick law.*

13. *Out of the old Testament hee produceth that saying of Deuteron. 17. Si difficile & ambiguum, &c. If thou forseest the iudgement to be hard and ambiguous &c. rise and goe vp to the place which the Lord thy God shall choose, and thou shalt come to the Priests of the Levites stocke, and to the Iudge that shall bee for the time, &c. And if any shall be so proud as not to obey the commandement of the Priest, that shall for that time minister vnto the Lord thy God, by the sentence of the Iudge let that man die, &c. So that it belonged to the High Priest absolutely, to command the Iudge to giue sentence of death against the transgressions of his commandement. Therefore the same authority haue also the High Priests in the new Testament. He bringeth also out of the old Testament, certaine other particular*

## An Admonition

\* Nu. 69.

γ Nu. 77.

particular facts of Priests, and Kings to proue the same. Out of the new Testament he alleageth that saying of our Sauour to Saint Peter, whatloeuere thou shalt loose, &c. Feede my sheepe, the killing of Ananias, and Saphira, and some other such like examples. Out of the law of nature he sheweth, \* that in all Societies an inferiour is subiect to the Superiour, the lesse perfect to the more perfect, as the wife to the husband, the seruant to his Lord, the scholler to his Master, the subiect to his Prince, policie to Religion, temporals to spirituals, and he that hath care of temporals to him who is Superiour in spirituals, and so the Common wealth must be subiect to the Church. Out of the law of Nations he sheweth, γ that in all Common wealths, euen among the Panyms, the Religious Societie had the preheminence about the Common wealth in all things that any way appertained to Religion. Out of the ciuill law he bringeth many Constitutions of Emperours, and the Statute lawes also of this Kingdome to proue the Popes Primacie in spirituals. And finally in the second chapter hee only alleageth that decree of the Councell of Lateran, which hath bin so often wraged, and answered. This is the substance and summarie of his discourse.

14. But first of all, who knoweth not, but that one inconuenience being granted, many absurdities do presently follow, The Supposition of this Author for so much as concerneth the Popes power to excommunicate Princes and his Primacie in spirituals, to wit, that they are denyed in this Oath, as this Author supposeth as manifest, but proueth it with no reason at all, is very vnttrue, as in this Disputation we haue abundantly

abundantly shewed. And verily it is exceeding strange, that learned men should not blush to affirme, with such confidence, that to be his Maiesties intention and meaning which hee himselfe in publicke writings doth expressly professe not to be his meaning, and so often to inculcate without any solide prooffe that very argument, which both his Maiestie himselfe, and many others haue oftentimes very sufficiently confuted.

15. Secondly, how vaine that consequence is, which this Author doth inferre <sup>2</sup> from that maxime of the Lawyers, Accessorium sequitur principale, The accessorie followeth the principall, therefore the Church hauing power ouer the soule, hath consequently power ouer our bodies, and goods, vnlesse it be understood of power to command corporall things, as they are referred to spirituals, euery man of learning may easily perceiue. For out of this principle we might also argue in this manner: The accessorie followeth the principall, therefore he that is Lord of all horses, must bee Lord of all bridles: The Pope hath power ouer the soules of Kings, therefore also ouer their liues. Let this Author explaine vnto vs, what the Lawyers do understand by this word (accessorie,) and what by this word (principall) in this their vulgar maxime, which hath many limitations, and by diuers learned men, is diuersly understood; in the meane time we deny his consequence. The like argument Lessius <sup>a</sup> doth make: The Pope, saith he, hath power to excommunicate Kings, therefore he hath power to depose them; because hee that can punish with a

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greater

<sup>2</sup> Pag. 67.

<sup>a</sup> In his Apologetically Disputation pag. 201.

## An Admonition

greater punishment, can also punish with a lesse. *But if we may rightly argue from one thing to another which is of a diuers nature, condition, and degree, wee may also conclude thus:* The Pope hath power to excommunicate Kings, therefore hee hath also power to kill them; because he that hath power to do the greater, hath power to doe the lesse<sup>b</sup>. A man hath power to vnderstand, therefore also to flie. A Priest, who is no Bishop, hath power to absolve from sins, therefore also from debts. The same Priest hath by the meanes of the Sacraments power, to giue the Kingdome of heauen, therefore also earthly Kingdomes. *Be not these I beseech you, very faire arguments to perswade English Catholikes to cast away all their goods, and to deny their dutifull allegiance to their Prince?*

16. Thirdly, it is vnttrue which this Author affirmeth, that the doctrine concerning the Popes power to depose Princes is in this Oath plainly abiured as impious and hereticall: For only this doctrine is in this Oath abiured as impious, and hereticall, that Princes which be excommunicated, or deprived by the Pope may be deposed, or murdered by their Subiects or any other whatsoeuer. Which position, as we will declare beneath, is according to the common sense of the words so to be vnderstood, that it is in the free power of the Subiects, or any other whatsoeuer to depose, or if they will, to murder Princes, which be excommunicated, or deprived by the Pope, and therefore it may worabily bee abiured as hereticall.

<sup>b</sup> And that excommunication is a greater punishment, then corporall death, Cardinall B. Barinone expressly affirmeth lib. 2. de Ecclesia. cap. 6. & lib. 3. de Licitis cap. 21. and citeth for it Saint Augustine lib. 1. contra Adversarium legis, & prophet cap. 17. as I observed in my Apologie nu. 183.



17. Fourthly, *whoſoever will attentively read the diſcourſe of this Author, will moſt cleerely perceine, that hee doth not forcibly proue any other thing from the law of God, or nature, then that the temporall power is in ſpiritualls, and in temporals, as they become ſpiritualls ſubieſt to the ſpirituall power of the Church to command, but not to puniſh by way of coercion with temporall puniſhments, but only with ſpirituall. And ſo the light of reaſon doth teach vs, that every Superior may chaſtiſe him who in ſubiection is his inferior with ſome puniſhments, to wit, which are proportionable to his Superioritie, & that is, by depriving him of thoſe goods, and priviledges, which are proper to that communitie, whereof he is Superior; But that any Superior beſides the ſupreme Gouvernour of the Ciuill Common-wealth hath power to puniſh his inferiours, with puniſhment of death, depriving of any corporall member or of all temporall goods, cannot neceſſarily be deduced from the light of naturall reaſon.*

18. Fifthly, *hee that will diligently conſider the vnder written ſentences of Saint Auguſtine, and Cardinall Bellarmine will preſently comprehend of what force is that text of Deuteronomie 17. \* and other ſuch like places of the old Teſtament, which is a*

*\* I ſaid by way of coercion for the Church as I haue often repeated in my Apologie, and Apologeticall Anſwere hath power to impoſe a temporall puniſhment by way of command if it be neceſſary for our ſoules health, but not by way of coercion. So that if we will not obey the command of the Church impoſing ſuch a temporall puniſhment, the can only for our diſobedience puniſh vs finally with ſpirituall puniſhments, as by inflicting ſpirituall Cenfures, but not*

*by depriving vs of our lands, or liues. d As a Maſter may puniſh his ſcholler with whipping him, or expelling him his ſchoole, a father the ſonne in like manner and by diſheriting him, and thruſting him out of his familie, a husband his wife almoſt in like manner, and ſo the ſpirituall Common-wealth with ſpirituall, and the temporall with temporall puniſhments. \* If this text had bin a forcible argument to proue the Popes power to diſpoſe of temporals, doubtleſſe it would not haue bin omitted by Cardinall Bellarmine in his Controuerſies, where hee bringeth other places of the old Teſtament to the ſame purpoſe, which I haue in my Apologie answered.*

## An Admonition

*figure of the new*, to proue that the Pope hath power to depose, or kill Princes, because the High Priest of the old law had that power, although we should admit, which cannot be sufficiently proued, (as hereafter, *God willing, we will shew more at large*) that the High Priest had that authoritie. Excommunication, saith *Cardinall Bellarmine*, <sup>f</sup> is now in the Church in steed of corporal death, which was in the old Testament, and which a common wealth hath in temporals. And *Saint Augustine*, <sup>g</sup> Excommunication doth now this in the Church, which killing did in the old Testament. *In which place hee compareth that saying of Deuteronomie cap. 24.* Hee shall bee slaine, and thou shalt take away euill from among you, *with that saying of the Apostle, 1. Cor. 5.* Take away euill from among your selues. *And in his booke de fide & operibus cap. 2. hee saith,* that the materiall sword, which *Moses*, and *Phinees* did vse, was a figure of the degradations, and excommunications, which are to bee vsed in the new law, seeing that in the Church discipline, saith *Saint Augustine*, the visible sword was to cease.

19. Sixthly, *those places of the new Testament*, Whatsoever thou shalt loose, &c. Feede my sheepe, also *the reason which this Author alleageth out of Father Parsons, to wit,* that otherwise the Ecclesiasticall Common-wealth should bee imperfect, and not sufficiently provided for, *I haue heretofore in my Apologie<sup>h</sup> satisfied.* *T has corporall killing of Ananias, and Saphira, and the visible deliuering of the fornicatour into the hands of Satan, are to be referred to the*  
*grace*

<sup>f</sup> Lib. 2. de  
Ecclesia. cap 6.

<sup>g</sup> q. 39. in Deu-  
teron.

<sup>h</sup> Nu. 35. & seq.  
& nu. 203.  
& seq.

*grace of miracles. Neither doe I thinke this Author will affirme to bee in the Popes power to kill wicked men with his only word.*

20. Seuenthly, from the law of Nations this Author proneth no other thing, then that all Nations had euer Religion in most great estimation, and that they preferred Religion before policie, but that the Priests of the Gentiles, as Priests, had power to punish any man with paine of death, or losse of all goods, this did not proceede from the law of nature granting to Priests such an authoritie, but from the priuate, and peculiar positive lawes of every Nation. Which Cicero cited by this Author doth most cleerely confirme, saying, that it was most notably, and diuinely ordained by the ancient Romanes, that the Bishops should haue the chiefe command in matters that appertained as well to the Common-wealth, as to the Religion of the Gods. Out of the Ciuill law, this Author doth only proue that the Pope is supreme head of the Church in spirituals.

<sup>1</sup>Pro demo sua.

21. Lastly, to that decree of the Councell of Lateran, which is by our Aduersaries so often inculcated, I haue giuen diuers Answeres in the Preface of my Apologeticall Answer, which this Author doth disseble. One only of them he doth briefly insinuate, and most slenderly confute, to wit, that by those men, who there are said, not to haue principall Lords ouer them, are not vnderstood Emperors, Kings, and absolute Princes, but other pettie Lords, who are subiect to Kings, and absolute Princes: for that Fridericke the Emperor in the fifth yeere after this Councell of Laterane, did make the

Nu. 43.

## An Admonition

same law in the selfe same words, changing only spiritual punishments into temporall, who could not by the name of them, who haue not principall Lords ouer them, vnderstand himselfe, and other absolute Princes. *From whence I probably collected, that those words (who hath not a principall Lord) could not of themselves comprehend Kings, and absolute Princes, who vnlesse they are expressly named, are not to be vnderstood in penall lawes. And so say, as this Author barely, and without prooffe affirmeth, that the Emperour did not indeede by those words comprehend Kings, but the Pope did comprehend them, is to say, not to demonstrate: considering that if that Councell would in that decree haue comprehended absolute Princes, it might as easily haue specified them by the proper and peculiar names of Kings, and absolute Princes, as by those generall words of Principall Lords, or who haue not principall Lords ouer them, especially seeing that the same Councell in other Decrees did expressly vse the peculiar names of Princes.*

22. *Therefore untill any one shall cleerely demonstrate, I do not say probably only shew, that the Answeres, which I haue giuen to that Lateran Councell, are altogether improbable, there can no forcible argument be drawne from that Councell to proue evidently and inuincibly, that the opinion which holdeth the Pope to haue power to depose Princes, is so certaine that the contrary cannot be defended by Catholickes without note of heresie, error, or temeritie. And let this suffice for this present to shew the weaknes of this Authors more long then solide discourse,*

## to the Reader.

discourse, for that it may bee, that we will hereafter more exactly examine all his arguments in particular, and shew the weakenes of euery one of them.

23. Lastly, this Author vrgeth greatly certaine words of Saint Chrysostome, which I thought expedient in this English Edition to examine, for that I vnderstand some of our Countymen haue of late made great reckoning of those words, as though they were cleere for the Popes authoritie to depose Princes. This Author therefore endenouring to proue out of the law of Moyse, that the spirituall power was then the supreme power on earth and commanded all temporall authoritie, and consequently might chastise temporall Princes, (he meaneth with temporall punishments) when it was necessarie for the glorie of God, and the good of the Church, hee bringeth <sup>k</sup> the example of King Ozias, <sup>n</sup> (to which neuerthelesse I haue fully answered in my Apologie<sup>l</sup>) whom Azarias the high Priest<sup>m</sup> with the assistance of 80. Priests, most valiant men (saith the Scripture) because he presumed to offer incense, and would not obey his admonition but threatened him and the Priests, and was therefore stricken by almightie God with leprosie, did not only command him to depart out of the temple, saying Egrederere de Sanctuario, &c. Go out of the Sanctuary, &c. but also thrust him out of the same, festinatò expulerunt eum, they thrust him out in haste, and was forced by the sentence of the Priests (according to the prescript of the Law, <sup>n</sup>) to liue in a house a part so long as he liued. And I cannot omit, saith this Author, <sup>o</sup> to touch here by

<sup>k</sup> Cap. i. nu.

31. 34.

<sup>l</sup> 2. Paralip 26.

<sup>l</sup> Nu. 35 4. &

seq.

<sup>m</sup> Azarias was not the high Priest as this Author imagineth, but only a weckely Priest with 80. others. Genebrard in his Chronologie the yeere of the world 3408.

<sup>n</sup> Leuit. 13.

<sup>o</sup> Nu. 34. &c.

## An Admonition

2 Hom. 4 de  
verbis. Iſaie  
Vidi domum.

by the way, what Saint *Chryſoſtome* obserueth further, in this example, to wit, that whereas *Ozias* being leprous did not only dwell in the City (though in a house a part) but also reigne still for some yeares euen vntill he died, he ought to haue beene cast both out of the City, and also out of his Kingdome, and that Almighty God was so highly offended, because the same was not performed, that he withdrew the spirit of prophecie from *Eſay*, and other Prophets during the life and reigne of *Ozias*.

24. *Exiuit*, saith Saint *Chryſoſtome*, cum lepra, &c. The King went out of the temple with a leprosie, and yet they did not cast him out of the City, for the respect they bare to the Kingly diademe, but he still sate in his throne breaking againe the law of God: what then? God being angry with the Iewes interrupted the prophecie. So Saint *Chryſoſtome*: And againe a little after, speaking in the person of God. *Ego*, (saith hee) *quod mei numeris feci*, &c. I haue done my part (that is to say, I haue stricken *Ozias* with a leprosie) and you are afraid to cast him being vncleane out of the City: you beare reuerence to his Kingly dignity violating the law of God, &c. I do therefore speake no longer to the Prophets, neither do I any more giue the grace of spirit, &c. *Silet spiritus*, &c. The grace of propheticall spirit was silent or ceased, and God did not shew himselſe, because vnder that vncleane man there was no grace. Thus saith Saint *Chryſoſtome* vpon occasion of these words of the Prophet *Eſay*,



## to the Reader.

¶ *Et factum est anno quomortuus est Ozias Rex, vidi Dominum, &c.* For where as all the Prophets vsed to declare the time and yeere of the Kings reigne when they prophecied, Saint *Chrysostome* noteth, that *Esay* here omitted that custome, and did not speake of the life and reigne of *Ioathan*, in whose time he had his vision, but of the death of King *Ozias*, during whose reigne the spirit of prophecie had ceased for the causes before declared.

25. Well then hereby it appeareth that God was offended, not only because *Ozias* was not cast out of the City, but also because hee was suffered still to reigne. *Consedit in solio*, saith the holy Father, *legem Dei rursus transgrediens*, hee sate still in his throne transgressing againe the law of God, that is to say, & as he had broken the law of God before, in presuming to sacrifice, and threatening the Priests; so also did he againe transgresse, and violate the same in retaining his Kingdome being Leprous: and because the same was permitted, and more respect borne to his Kingly dignitie, then to the execution of Gods law, therefore saith Saint *Chrysostome*, God punished the whole state not permitting his Prophets to prophecie, as they were wont.

26. Whereupon I infer, that seeing the expresse law of God ordained, that the cause of Leprosie should bee iudged and determined wholly by the Priests, and that *Ozias* was subiect to this law, it followeth that as he was expelled out of the temple by the Priests and forced by  
f their

¶ *Isai. 6.*

¶ This (that is to say) of this Author as against that which Saint *Chrysostome* saith in this place.

## An Admonition

their sentence to liue in a house apart, (though within the Citty) so ought hee also to haue bin by their sentence cast out both of the Citie, and of his Kingdome. And if we consider but only that which was done by the Priests in this case of *Ozias*, it cannot be denied but that they had a iudiciall power ouer his person, seeing that they both commanded him to go out of the temple before he was leprous, and afterwards thrust him out, yea & confinde him to liue in a house apart. For though the Scripture doth not expresse, that his confining and separation was ordained by them, yet it could not bee otherwise: seeing that the law ordained <sup>c</sup> expressly, that euery leprous man should be brought vnto the Priest, and that *ad arbitrium eius separabitur*, hee should be separated at his indgement, or arbitrement, which our Sauiour himselfe <sup>c</sup> acknowledged, when he remitted the leprous (whom hee cured) to the Priests. Thus writeth the Author of this Supplement.

27. But I wonder that this Author would vrges so vehemently for him selfe the authoritie of *S. Chrysostome*, who in this very place is so plaine against his doctrine. First therefore this Author affirmeth, that *Azarias* and the other Priests did not only command King *Ozias* to depart out of the temple, but they did also thrust him out of the same, meaning as it seemeth, as we say, by head and shoulders, and by laying violent hands upon him, whereas Saint *Chrysostome* in that very place seemeth to affirme, that they did not thrust him out by violence, but only by their words, and commandement, and crying out against him

<sup>c</sup> *Leuit. 13.*

<sup>c</sup> *Math. 8.*  
*Marc. 1.*  
*Luc. 17.*

## to the Reader.

*him as an uncleane person, Et egressus est Rex, saith Saint Chrysostome, omnibus exemplum factus, purgatumque est templum & erectus est nemine propellente, quique sacerdotium sibi vellet sumere, & hoc quod habebat perdidit: Et exiuit e templo. And the King went forth being made an example to all, and the temple was purged, and he was cast forth no man driuing him forth, and whereas he would arrogate to himselfe the Priesthood, he lost that which he had: And hee departed out of the temple. And the reason why the Priests ought not to lay violent hands on the Kings person, Saint Chrysostome did a little before giue in these words. But the King did not abide the admonition of the Priest, but being puffed vp with arrogancy opened the Temple, and entred into the Sanctuarie to offer incense. But what did God? After the Priest was contemned, and the Priestly dignity troden vnder foote, *nec quicquam prater ea potuit Sacerdos (Nam sacerdotis tantum est arguere, &c.* Neither could the Priest doe any thing more (For it is the office of a Priest only to reprove, and to giue a free admonition, not to raise armes, not to vse targetts, not to shake a lance, nor to shoote arrowes, nor to cast darts, but only to reprove and to giue a free admonition.) After therefore the Priest had reprov'd, and yet the King did not yeeld, but tooke weapons, sheilds, and speares, and vsed his power, then the Priest said to God, I haue done that which belonged to my office, I can do no more, helpe thou the Priesthood, which is troden vnder*

## An Admonition

" Suarez especially, as shall appear beneath in my Appendix against him in the last Sec. of the first part. See also beneath cap. 5. sec. 3. nu 4. &c.

der foote, &c. Thus Saint Chrysostome. By which you may perceiue, how farre was the apprehension of Saint Chrysostome from those violent and bloody courses, which some vehement defenders of the Popes power to depose and kill Princes doe as firme, may be long by the law of God to Priestly function.

28. Neither can this Author sufficiently proue, that it belonged to the Priests of the old law to thrust out by violence a leper out of the City, but only by command, and by declaring that hee was a leper, which declaration did appertaine only to the Priests & the expresse appointment of almighty God, but that the Priests, after they had declared one to be infected with leprosie, and had charged him to depart, and the people to put their command in execution according as the law did prescribe, had any further authoritie (as they were Priests) to cast him out by violence, cannot bee conuinced out of the old law. Euem as in the new law it belongeth only to the Clergie to declare whether one be infected with heresie, which was figured in the old law by leprosie, but after they haue declared one to be infected with heresie, and haue vsed against him Ecclesiasticall Censures, and haue deliuered him to the Secular Magistrate, commanding or requesting him to proceede according to the equity of the law, they haue no further power, (as they are Cleargie men) to vse any corporall violence against him, and if it shall please the temporall Prince to pardon his life, the Clergy cannot take it away, as out of Dominicus Bannes\* I will shew beneath.

\* Cap 7. sec. 2. nu. 17. in the end.

29. Secondly, that other saying of this Author, to wit, that according to Saint Chrysostome God

to the Reader.

was offended not only because Ozias was not cast out of the City, but also because he was suffered still to reigne, is also contrary to Saint Chrysostomes words, which haue bin related by this Author. And in the very next homile Saint Chrysostome declareth the whole matter more particularly in these words: I will onely adde one thing, saith he, which we demanded in the beginning, what is the cause, that seeing in prophecies all are wont to set downe the time, wherein the Kings did reigne, this Prophet Esay omitting that nameth the time, wherein Ozias died, speaking in this manner, *And it came to passe in the yere wherein King Ozias dyed.* And yet hee might haue exprest the time of the King, as all prophets vsually did. But he did not so: For what cause did he not so? It was an ancient custome to cast a leprous out of the City, to the end that those who liued in the City might be the better, and that the leprous himselfe should not present to men, prone to giue reprochfull speeches an occasion of scoffing and derision: but that he abiding out of the city might haue solitarines to be in steed of a vaile, or couer, against the reproch of calamitie. And this ought this King to haue suffered after his leprosie, but he did not suffer it, those that were in the City reuerencing him for his Soueraigntie: but hee remained at his house priuately. This prouoked God to wrath, this hindered the prophecie, and which came to passe in the time of *Heh*, the word of God was precious, neither was there any commanding vision. Thus Saint Chrysostome, whereby it is manifest, that Saint

1. Hom. 5. de  
verbis Isaie.

## An Admonition

Chrysoſtome doth not affirme, that God was offended, that Ozias was thruſt out of his Kingdome, but only that he was not thruſt out of the City, according as the law in Leviticus did ordaine.

30. Wherefore the meaning of thoſe former words of Saint Chryſoſtome, he ſate in his throne breaking againe the law of God, is cleere by theſe later which I did now relate. For as before he being no Prieſt tranſgreſſed by preſuming to offer incenſe, ſo now againe he being leprous tranſgreſſeth by preſuming to remaine in the City, which the law did forbid. Alſo this Author may perchance uſe ſome cunning in tranſlating thoſe words of Saint Chryſoſtome, Conſedit in folio legem Dei rurſum tranſgrediens, He ſate ſtill in this throne breaking againe the law of God, as though Ozias had offended againe by remaining ſtill in his throne, or continuing to be King; wherefore this word ſtill may be equiuocall, and of purpoſe put by this Author to ſignifie the ſenſe aforeſaid, whereas the words of Saint Chryſoſtome are only, He ſate in this throne breaking againe the law of God; not for that he ſate in his throne, or which is all one, kept ſtill his Royall dignitie, although his ſonne Ioſathan did adminiſter it in his name, but for that he departed not out of the City, as Saint Chryſoſtome expreſſly declareth.

31. Now concerning the example it ſelfe of King Ozias, who for his leproſie was caſt out of the temple, and perchance alſo out of the City, which Cardinall Bellarmine brought to proue that the Pope haſh authority to depoſe Princes, I haue in my Apologie answered at large, neither haſh Doct<sup>r</sup> Schulckenius,



## to the Reader.

as hereafter, God willing, I will plainly shew, convinced those answeres to bea improbable. The argument which Cardinall Bellarmine brought was in substance this: The Priests of the old law had authoritie to thrust a leper, who doth in the new law signifie an heretike, out of the temple and out of the City, yea and if he were a King to deprive him of his Kingdome, or at leastwise of the administration thereof, as appeareth by this example of King *Ozias*, therefore the Priests of the new Testament haue authoritie to deprive hereticall Kings of their Kingdomes, or at least wise to suspend them from the administration thereof.

32. Among other sufficient answeres, which I gave to this argument, I denyed the consequence; to wit, that although the Priests of the old Testament had authoritie to deprive a King, being infected with leprosie, of the administration of his Kingdome, so long as he remained a leper, (for that I doe not thinke it to be scarce probable that they had authoritie to deprive him wholly of his Regall authority,) neuerthelesse it doth not therefore follow, that the Priests of the new law haue the like authority. My reason was, for that the Priests of the old Testament had by the speciall law of God authority granted to iudge and determine when any man was infected with leprosie, and withall there was a peculiar punishment appointed by the law against those who were infected with leprosie, to wit, that they should live extra caltra out of the campe, that is, a part from the rest, (for then the Israelites were as an armie of men marching forwards day by day, in the desert  
For

## An Admonition

For if it should be so, that a King living out of the City, could not possibly governe his Kingdome, and in the old Testament Kings being infected with leprosie were by the law of God compelled to live out of the City, it followeth necessarily, that God gave leave to the Priests or to the people to deprive a leprous King, or to declare him deprived of the government of his Kingdome, so long as he remained a leper: But the Priests in the new Testament have doubtlesse authority given them by Christ to iudge, determine and decide, what is heresie, and who is infected therewith, and also to punish with Excommunication and other Ecclesiasticall punishments any one who is infected with heresie, which punishment of Excommunication (which as Suarez<sup>2</sup> defineth it, is an Ecclesiasticall Censure, whereby one is deprived of the Ecclesiasticall communion of the faithfull) was figured by that separation of the leper from the company of those who were in the campe: yet because the depriving a King of the administration of his Kingdome doth not by the law of God follow the sentence of Excommunication, which by the law of God only deprieth of Ecclesiasticall communion, as in the old Testament it did follow the living of a King out of the City, and a part from the rest of the people, as our Adversaries doe suppose, this example of King Ozias is of little worth to proue the Popes power to depose hereticall Princes.

33. Finally I cannot but observe, how well forsooth this Author, who is so vehement against the Oath, and for the Popes power to depose Princes, doth agree with Cardinall Bellarmine in urging this argument, which is taken from the example of King Ozias; For  
Cardinall

<sup>2</sup> Tom. 5. disp. 1.  
sec. 4.

## to the Reader.

Cardinall Bellarmine affirmeth, that King Ozias was thrust out both of the City, and also deprived of his Kingdome, this Author auerreth, that he was neither thrust out of the City nor out of his Kingdome: Others, as Abulensis, do affirme that he liued indeed out of the City, wherein Iosephus also doth agree, but not deprived of his Kingdome, but that hee remained still true King not only in name but also by right, although by reason of his infirmitie his sonne Ioathan did in his fathers name and by his authoritie gouerne it: and reason doth confirme the same, for the depriving of dominion, as well obserueth Suarez, when it is done, doth alwaies continue, but King Ozias was only to liue out of the City for the time of his leprosie, so that if he had bin cured, he might haue returned againe to his palace within the City, and consequently to the gouernment of his Kingdome, and therefore he could not bee deprived of his Regall authoritie, but at the most as it were suspended, for the time of his leprosie, from executing thereof, neither is it strange, that a man may haue right or dominion of a Kingdome, which hee cannot gouerne as appeareth in children, who may be true Kings, although they cannot gouerne it.

<sup>a</sup> Nu 4. Reg. cap. 15. q. 4.  
<sup>b</sup> Lib. 9. Antiquitat. cap. 11.  
 A great Historiographer of the Iewes, and liuing before Ierusalem was destroyed by the Romanes, and therefore it is likely that he knew all the particular facts of those Kings.  
 So writeth Abulens. q. 9. in 15. cap. lib. 10. Regum.  
<sup>c</sup> Disp. 15. de Excommun. sec. 6. nu. 3.

A

A

## A Summarie of this whole Disputation.

Chapter 1. *Wherein certaine generall rules are prescribed out of the doctrine of Franciscus Summus to understand how we are to interpret the words of any law.*

Chap 2. *Wherein two arguments of Iacobus Gretzer, and Leonardus Lessius, against the first branch of the Oath from the beginning to those words, And that the Pope &c. are examined.*

Chap 3. *Wherein five objections of Cardinall Bellarmine, Gretzer, Lessius, Becanus, Suarez, and of others against the second branch of the Oath, And that the Pope &c. to those words, And also I doe sweare from my heart &c. are at large discussed.*

Chap 4. *Wherein three arguments of Cardinall Bell. Gretzer, Lessius, Capellus, and of others against the third branch of the Oath, Also I doe sweare from my heart &c. to those words, And I doe further sweare &c. are propounded and solved.*

Chap 5. *Wherein three objections of Lessius, Capellus, and of others against the fourth branch of the Oath, And I doe further sweare &c. to those words, And I do beleue &c. are answered.*

Chap 6. *Wherein five arguments of Cardinall Bell. Gretzer, Capellus, & of others against the fifth branch of the Oath, And I do beleue &c. unto those words: which I acknowledge by good &c. are satisfied.*

Chap 7. *Wherein five objections of Gretzer, Lessius, & of others against the sixth branch of the Oath, which I acknowledge by good, unto those words, And all these things I do plainly &c. are thoroughly debated.*

Chap 8. *Wherein two arguments of Lessius, & of others against the seventh branch of the Oath, And all these things I doe plainly &c. unto those words, And I doe make this recognition &c. are discussed.*

Chap 9. *Wherein one objection of Father Parsons against the last branch of the Oath, And I doe make this recognition &c. unto the end, is most cleerly answered.*

Chap 10. *Wherein five arguments of Cardinall Bell. Lessius, and of others taken from the title of the Act, from the Popes Breues and the authority of the Diuines of these times, from the scandall, from the bad successe of those Priests who haue maintained the Oath, and from a certaine Reuelation to impugne in generall the Oath, are at large examined.*

Then followeth an Appendix wherein all the arguments, which Franciscus Suarez hath of late brought to proue the Popes power to depose Princes, and to impugne the Oath of allegiance are sincerely related and answered.

Lastly, there is adioyned the Preface to Widdingtons Apologeticall answer, wherein he cleareth himselfe from foure heinous crimes, heresie, errour, scandal, & terroritie, wherewith some haue wrongfully charged his Apologie which hee wrote against Cardinall Bell. his reasons to proue the Popes power to depose Princes.



## THE FORME OF THE OATH DIVIDED INTO EIGHT branches in that manner as it is treated *of in this Disputation.*

1. **I** A. B. do truly and sincerely acknowledge, professe, testify and declare in my conscience before God and the world; that our Soueraigne Lord King *James* is lawfull and rightfull King of this Realme, and of all other his Maiesties Dominions and Countries *pag. 13.*

2. And that the *Pope* neither of himselfe, nor by any authority of the Church or Sea of Rome, or by any other meanes with any other, hath any power or authoritie to depose the King, or to dispose any of his Maiesties Kingdomes or Dominions, or to authorize any forraigne Prince to invade or annoy him, or his Countries, or to discharge any of his Subiects of their Allegiance and obedience to his Maiestie, or to give license or leaue to any of them to beare Armes, raise tumult, or to offer any violence, or to hurt to his Maiesties Royall person, State, or government, or to any of his Maiesties Subiects within his Maiesties Dominions. *pag. 19.*

3. Also I doe sweare from my heart, that notwithstanding any declaration or sentence of Excommunication or deprivation made or granted, or to be made or granted by the Pope or his Successors, or by any Authoritie derived or pretended to be derived from him or his Sea against the said King, his Heires or Successors, or any absolution of the said Subiects from their obedience: I will beare faith and true allegiance to his Maiestie, his Heires and Successors, and him and them will defend to the uttermost of my power against all Conspiracies and attempts whatsoever, which shall bee made against his or their Persons, their Crowne and dignitie, by reason or colour of any such sentence or declaration or otherwise, and will doe my best endeavour to disclose and make knowne vnto his Maiestie, his Heires and Successors, all Treasons and Traiterous Conspiracies, which I shall

know or heare of to be against him or any of them. *pag. 52.*

4. And I do further sweare, That I do fro my heart abhorre, detest, and abiure, as impious and hereticall, this damnable doctrine and position, That Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their Subiects, or any other whatsoever. *pag. 68.*

5. And I doe beleuee and in conscience am resolved, that neither the Pope nor any person whatsoever, hath power to absolue me of this Oath, or any part thereof. *pag. 18.*

6. Which I acknowledge by good and full authoritie to be lawfully ministred vnto me, and do renounce all pardons and dispensations to the contrary. *pag. 128.*

7. And all these things I do plainly and sincerely acknowledge and sweare, according to these expresse words by me spoken, and according to the plaine and common sense and vnderstanding of the same words, without any Equiuocation, or mentall evasion, or secret reseruatiō whatsoever. *pag. 154.*

8. And I doe make this recognition and acknowledgement heartily, willingly, and truly, vpon the true faith of a Christian. So helpe me God. *pag. 160.*





# A THEOLOGICAL DISPUTATION concerning the Oath of *Allegiance.*

THIS whole disputation we will for more perspicuitie diuide into tenne seuerall Chapters. In the first, we will set downe certaine general rules, which shall be very profitable for the better vnderstanding of any law, and consequently of this *Oath*, which his Maiestie by Act of Parliament hath enacted. In the next eight chapters, we will sincerely examine al the obiections, which are commonly alleaged by the impugnors of the Oath against any particular clause thereof, which oath we will diuide into 8. branches. In the tenth, and last Chapter, we will faithfully discusse, and weigh al the arguments, which are vsually objected against the oath in general.

## CHAP. I.

### Sett. I.

1 **F**irst therefore *Franciscus Suarez* a most famous Diuine of the Societie of *Iesus*, (whom in this we haue rather chosen to follow then others, for that his authoritie, both in regard of his singular learning, and also of the religious course of life, which he professeth, will not be so easily reiected by the chiefe impugnors of the oath) doth distinguish

<sup>a</sup> Lib. 6 de Leg.  
cap. 1. nu. 1.

<sup>b</sup> Leg. ult. Cod.  
de leg. §. Dis-  
sinimus.

<sup>c</sup> C. ij. cum dile-  
ctus de consue-  
tud. & leg. si de  
interpretat.  
§. de leg.

“Distinguish <sup>a</sup> three sorts of interpreting lawes: to wit, an  
“Authenticall, *Vsuall*, and *Doctrinall* interpretation.  
“Authenticall he calleth that, which is done by the au-  
“thoritie of him, who hath power to make the law, and  
“who consequently hath also full power to interpret  
“the same, and to declare the true meaning of every  
“word therein contained, according to that Decree  
“of *Iustinian* the Emperour, <sup>b</sup> *Dissinimus autem, &c.*  
“Wee define, that all interpretation of lawes, which the  
“Emperours make, is to be accounted firme, and certaine.  
“For if it be onely at this present granted to the Empe-  
“rour to enact lawes, it is also onely meete for the Impe-  
“riall crowne to interpret lawes. The second interpre-  
“tation, which is called *vsuall*, dependeth only vpon  
“common vse, and custome, which, according to that  
“vulgar axiome of the Lawyers, <sup>c</sup> *is the best interpre-*  
“*ter of lawes.* For as custome hath the force of a law,  
“and therefore is commonly called a law not written,  
“so also it hath power to interpret the true and pro-  
“per meaning of the law.

“2 The third kinde of interpretation by way of do-  
“ctrine is only grounded vpon the iudgement of men  
“skillfull in the lawes. For seeing that such is the con-  
“dition of man, that he can scarcely declare his minde  
“with such perspicuous words, but that ambiguities,  
“and doubts may oftentimes arise, especially in hu-  
“mane lawes, which are deliuered briefly, and in gene-  
“rall termes, therefore in the applying of them to di-  
“uers cases in particular, many doubts do vsually arise,  
“for the deciding whereof (sith the Law-maker is not  
“alwaies at hand to declare his meaning) the iudge-  
“ment of learned, and prudent men, and a doctrinall  
“interpretation is necessarily required. From which  
“necessitie proceeded the science of the Ciuill law;  
“whose true end is to deliuer the true sense, and vnder-  
“standing of humane lawes; and which without all  
“doubt is greatly to be regarded, for that in euery art  
the

“ the iudgement of men skilfull therein is of great mo-  
 “ ment, and causeth ~~at the~~ *least* no small probabilitie; I  
 “ said, *at the least*, for if it should so fall out, that all In-  
 “ terpreters should agree in the expounding of any  
 “ law, it would cause then a morall certainty, and (spea-  
 “ king regularly) it would also induce an obligation  
 “ to vnderstand the law according to their interpreta-  
 “ tion. But to finde out by a doctrinall interpretation, in  
 “ what sense the words of any law are to be taken, the  
 “ same  *Suarez*, <sup>d</sup> following herein the common doctrine  
 “ of Divines, and Lawyers, doth assigne many generall  
 “ rules, wherein three principall heads, vpon which the  
 “ true interpretation of euery law doth chiefly depend,  
 “ are to be obserued; to wit, the words of the law, the  
 “ meaning of the Law-maker, and the reason or end, for  
 “ which the law is made.

<sup>d</sup> Cap. I. cit.  
 num. 7.

## Sect. II.

“ 1. **A**S concerning the words, we say, that in eue-  
 “ ry humane law the propertie of the words,  
 “ that is, the proper signification of them is first of all to  
 “ be regarded, for from it the true interpretation of the  
 “ law is chiefly to be gathered, and which, if there be  
 “ no other impediment, is alwaies to be preferred, as  
 “ may be deduced by many texts of the Canon <sup>e</sup>, and  
 “ Ciuill law <sup>f</sup>. And the reason is manifest, because in  
 “ common speech words are to be taken in their pro-  
 “ per, and viuell meaning, vnlesse by some circumstance  
 “ the contrarie may be gathered, therefore much more  
 “ this is to be obserued in lawes, which ought to be  
 “ cleere, and not exposed to circumuentions, and false  
 “ interpretations: for otherwise nothing could bee  
 “ certaine in lawes, neither could mens actions be ru-  
 “ led, and directed by them, for that euery one might  
 “ according to his pleasure wrest them to improper  
 “ senses. And in regard of this rule the ancient Fathers,

<sup>e</sup> Extra de  
 tra. sit. Episco-  
 pi cap. 2. & in  
 cyp. ad audien-  
 tiam de deci-  
 mis.

<sup>f</sup> Leg. Non al-  
 ter ff. de legat. 3.  
 leg. 1. §. si is qui  
 nauem ff. de  
 Exercitoria  
 actione: & in  
 leg. prospexit ff.  
 qui, & a qui-  
 bus.

“and Diuines doe teach, that the words of holy Scripture, and which doe deliuer any doctrine of faith, or precepts of manners, are to be taken in their proper sense, vnlesse by circumstances, or otherwise the contrarie may necessarily be gathered.

“2. But if it chance, that any word of the law hath together many proper, and vsuall significations, then we must vse that rule, which in all ambiguous, or equiuocall speeches is wont prudently to be obserued: to wit, that the matter of the law, with other circumstances, be diligently considered, for by them the meaning of the words will easily be determined. And especially wee must consider the beginning of the law, and with it to ioyne the rest which followeth, for to the beginning, if there be no obstacle. all which followeth, is to be applied. For in the beginning of euery constitution the finall cause, and which doth chiefly moue the Law-maker, is vsuallly contained, and therefore, according to the common doctrine of the Lawyers, that most of all is to bee regarded to vnderstand the meaning of the law. Wherefore it is necessarie, that euery man, before hee deliuer his iudgement, how any equiuocall word of the law is to be vnderstood, to peruse diligently the whole law from the beginning to the end, according to that principle of the Ciuill law, *Inciuite est, &c. It is an vnciuill part to give his iudgement, or answer concerning any one particular clause of the law, vnlesse the whole law be first perused.* Therefore by the antecedents, and consequents, together with the matter, and other circumstances, the equiuocall signification of any word is to be determined. But if the words of the law should be so equiuocall, that neither by the antecedents, nor consequents, nor by the matter, or reason of the law, the determinate sense of the law could be knowne, then it were no law, because not only it were not cleere, but also it should not sufficiently expresse the

§ Leg. Inciuite  
ff. de leg.

"the meaning of the Law-maker. Neuerthelesse it can  
 "hardly fall out, but that one sense be more agreeable  
 "to the matter, which is handled, and that is to be pre-  
 "ferred according to that rule of the law: <sup>b</sup> *Whensoever the same speech hath two senses, let that especiallie be taken, which is more agreeable to the matter, which is in hand.*

<sup>b</sup> Leg. Quoties  
 ff de Regulis  
 Iuris.

Sect. III.

" 1. Secondly, <sup>i</sup> concerning the intention, or will  
 "Of the Law-maker, it is to be considered, that  
 "as well the substance, as the force of the law doth  
 "chiefly depend thereon, because the will of the Law-  
 "maker is the soule of the law; whereupon as in a li-  
 "ving creature, both the substance, and operation of  
 "life doth principally depend on the soule, so in a law  
 "on the will of the Law-maker. And therefore al-  
 "though the Law-maker doth pronounce words,  
 "<sup>k</sup> which of themselves are sufficient to command, and  
 "with all other things externally requisite to the ma-  
 "king of a law, if he haue no intention to commaund,  
 "and to enact a law, he doth not enact it, neither is it a  
 "true law. And in this manner are rightly vnderstood  
 "those assertions of the Ciuill law, *Quod Principi pla-*  
 "*cuit,* <sup>l</sup> &c. *That which pleaseth the Prince hath the*  
 "*force of a law:* because the whole law dependeth vp-  
 "on his will, and pleasure. And, *Non dubium est,* <sup>m</sup> &c.  
 "*Without doubt he offendeth against the law, who follow-*  
 "*ing the words of the law, doth against the will thereof;*  
 "verily for that the will, or intention is the soule, and  
 "as it were, the substance of the law. Therefore that is  
 "the true interpretation of a law, by which wee follow  
 "the intention, and will of the Law-maker, where-  
 "upon if by any meanes the will of the Law-maker  
 "can be knowne, according to it especially the law is  
 "to be interpreted.

<sup>i</sup> Suarez cap. 1.  
 cit. nu. 12.

<sup>a</sup> Suarez lib. 3.  
 de leg. cap. 20.

<sup>l</sup> Instit de Iure  
 natur. gent &  
 Ciuili §. Sedet.  
<sup>m</sup> Leg. Non du-  
 bium Cod. de  
 leg & leg. con-  
 tra legem ff. de  
 leg.

P See *Suarez*  
lib.3. de Leg.  
cap.15.

“ 2. Neuerthelesse, that which wee haue said, is not  
 “ so to be vnderstood, as though the only internall will  
 “ of the Law-maker considered by it selfe without  
 “ words, can be a sufficient rule to interpret any law,  
 “ both for that no man can vnderstand another mans  
 “ minde but by his words, and therefore the meaning  
 “ of the law, which consisteth in words cannot be ta-  
 “ ken from the will of the Law-maker, seeing that the  
 “ will it selfe cannot be made manifest vnto vs but by  
 “ words; as also for that a law is not enacted by the  
 “ Princes will, vnlesse by the words of the law it be suf-  
 “ ficiently exprest, seeing that the will alone is not of  
 “ it selfe sufficient to binde; neither also is it sufficient,  
 “ that it be priuately knowne by some other way, but  
 “ it is necessarie, that it be sufficiently contained in the  
 “ law it selfe; P and therefore the Diuines define a law,  
 “ *to be a sensible signe, whereby the commanding will of a*  
 “ *Superiour is made manifest.* But what we haue said, is  
 “ so to be vnderstood, that whereas the words of the  
 “ law, being taken barely by themselues, be oftentimes  
 “ ambiguous, and may proceed from diuers intentions,  
 “ and wils, therefore by the things to it annexed, to  
 “ wit, by the matter, and circumstances it must pru-  
 “ dently bee gathered, from what will, and intention  
 “ they did proceed, and then the signification, and in-  
 “ terpretation of the words must bee accommodated  
 “ to the intention of the Law-maker, whereupon the  
 “ substance, and force of the law doth chiefly depend.  
 “ Wherefore it is true, that men doe iudge of the mind  
 “ of the speaker by his words, and that a law is not  
 “ made by the internall will, vnlesse it be in the law it  
 “ selfe sufficiently exprest; for that a law, being a rule  
 “ of humane actions, hauing force to binde, (wherein it  
 “ differeth from a counsell, or any other admonition,  
 “ which hath not force to binde,) it must by words suf-  
 “ ficiently exprest in the lawe bee propounded to  
 “ them, whom it intendeth to binde. Neuerthelesse, that  
 words



“ words may sufficiently expresse the intention of the  
 “ speaker, and the will of the Law-maker, they are not  
 “ to be taken seuerally, and barely by themselves, but  
 “ they must, and ought by all circumstances annexed  
 “ be determined rather to this, then to that significa-  
 “ tion.

3. But to vnderstand, what meanes, and conie-  
 “ ctures, besides the naked force of the words, are to be  
 “ vsed to finde out the will of the Law-maker, the  
 “ Lawyers doe assigne many rules. And among the  
 “ rest, (for, to set downe all at this present were ouer te-  
 “ dious) the matter of the law is chiefly to be regarded,  
 “ for the words must especially be agreeable to the mat-  
 “ ter, according to that saying of S Gregory, *¶ Plerumq;  
 “ dum proprietat, &c. Oftentimes when one attendeth to  
 “ the propertie of the words, he loseth the force of their  
 “ meaning, or, as in the Decretals we reade, he loseth the  
 “ true meaning of them.* Wherefore if at any time the  
 “ words taken in their proper signification should ar-  
 “ gue any iniustice, or like absurditie to be in the minde  
 “ of the Law-maker, they must be drawne to a sense al-  
 “ though improper, wherein the law may bee iust, and  
 “ reasonable; because this is presumed to be the will  
 “ of the Law-maker, as hath been declared by many  
 “ lawes in ff. tit. de legibus. *Nam in ambigua voce le-  
 “ gis ait lex, &c. For in a doubtfull word of the law,  
 “ saith the law, that sense is rather to be chosen, which is  
 “ void of all default, especially seeing that, the will also of  
 “ the law may be gathered by this.* Because it ought not  
 “ to be presumed, that the Law-maker did intend to  
 “ commaund any absurd, or inconuenient thing, vnlesse  
 “ the contrarie doe euidently appeare. And this rule  
 the ancient Fathers doe obserue in expounding the ho-  
 ly Scriptures, and the Diuines in declaring the precepts  
 of nature: for which cause those words of our Sauour,  
*I am a doore, I am a vine, I am a shepheard,* are by them  
 transferred to improper, and metaphoricall senses; so  
 also

¶ Suar. cap. 10.  
 cit nu. 17.

¶ Lib. 1. epist. 18  
 ad Aristobu-  
 lum, & habe-  
 tur in cap. prop.  
 terea, extra de  
 verborum signi-  
 ficat.

¶ Leg. in ambi-  
 gua ff. de legibus.

also that precept, *thou shalt not kill*, is to be vnderstood of vniutt killing; and, *thou shalt restore to euery one his owne*, ought not to bee extended to restore to a mad man his sword.

4. In like manner, a benigne, and fauourable interpretation, if there be no other ler, is alwaies to bee preferred, according to that approued rule of the law, *Benignius leges, &c Lawes are to be interpreted in the more fauourable sense, that thereby their will, or meaning, may be conserued.* And if any word of the law hath two senses equally proper; or if the things be any way equally doubtfull, in punishments, as also in all odious matters wee must follow the milder part. But in benefits, and fauourable causes, which are vsually contained in last Wills, and Testaments, the larger interpretation ought to be made, so that thereby no man be prejudiced, according to that saying of the Canon law, *Odia restringi, fauores conuenit ampliare.* It is meete, that odious things be restrained, and fauours to be enlarged. In iudgements, if the matter be doubtfull, the person accused is rather to be fauoured, then the plainriffe; the possessor, rather then the suiter, and doubtfull speeches are to be taken in the better sense, and which is more profitable to the speaker. In a generall speech the person, who speaketh, is vnderstood to be excepted, and to conclude, In lawes the diuersitie of words, doth argue diuersitie of things, for otherwise the law should superfluously vse varietie of words. Many other obseruations are set downe by Diuines, and Lawyers, which may be scene in Ioan. Azor. b Ioan. de Salas, c Franciscus Suarez, d and the Summists, verbo, *Interpretatio*, where Syluester, Angelus, Tabiena, Sa, and others, who treat of lawes.

Sect.

<sup>a</sup> I. eg. Benignius ff. de legibus.

u Salas disp. 21 de leg. sect. 3. § Octaua regula.

<sup>x</sup> De regulis Juris in Dexto. <sup>y</sup> Sa verbo Interpretatio. nu. 1.

<sup>z</sup> Salas regula 22. & Sa nu. 14.

<sup>a</sup> Salas regula 7. ex Azorio, & Panormit. leg. si viderem cod. cilli. Cod. de codicillis.

<sup>b</sup> Tom. 1. lib. 5. cap. 16. q. 9. & seq.

<sup>c</sup> Disp. 21. de leg. sect. 3.

<sup>d</sup> Cap. 1. cit. & seq.

## Sect. IIII.

1. **L**ASTly, concerning the reason, and end of the Law, which was the third of those three heads before rehearsed, which ought to be obserued to finde out the true meaning of the law by a *doctrinall interpretation*, it is first of all to be supposed; \* that there be two sorts of humane lawes to be distinguished: the one is called a *constitutive* law; the other a *declarative*; the diuersitie of which lawes is sufficiently knowne by the words themselves. For a *declarative* law, as it is *declarative*, doth impose no new command, but doth onely declare, what is commanded; or forbidden to be done by some former ancient law: but a *constitutive* law doth of it selfe impose a new command, and obligation: so that betwixt these lawes there is this difference, that a *constitutive* law is a rule to guide, and direct humane actions by, and therefore it is extended only to future actions, and not to such as are already past, which, for that they are already past, can haue no rule to guide them by: but a *declarative* law of it selfe is no such rule, but it doth suppose, and declare a former rule, neither doth it make a new obligation, but it supposeth an obligation already made; and therefore it comprehendeth not only future actions, but such also as are already past: for whiles it declareth a former law, it also ver-  
tually declareth, that all those actions, which haue, are, or shall be committed against that law, were, are, or shall be euill. But some lawes there are, which in part are *declarative*, and in part *constitutive*, for that partly they declare a former obligation, and partly they impose a new; of which kinde are all humane lawes, which vnder paine of death doe forbid thefts, murders, and such like villanies, which are already forbid by the law of God, and nature; which in respect

\* Suarez lib. 3.  
de leg. cap. 14.

of the punishment newly imposed, are *constitutive lawes*, but in regard of the offence, which was before against iustice, they are only *declarative*. Wherefore according to the common opinion of Diuines, he that committeth theft, doth not commit two sinnes, one against the law of God, and nature; and another against the Princes law, vnlesse the Prince should forbid that vniust action vpon a motiue of some other vertue, for then it were two sinnes and not one only sinne. And so the Church, or ciuill common wealth in honour and reuerence of Religion forbidding to shed blood in consecrated Churches; or to steale Church goods, and which are dedicated to Gods seruice, causeth those actions, which otherwise would be only repugnant to the vertue of iustice, to be now sacrilegious, and opposed to the vertue of religion; in regard whereof they are rightly accounted *constitutive Lawes*: and so hee that robbeth Churches consecrated to diuine seruice, or doth in the same giue any man a bloody wound, doth commit not only iniustice, but also sacrilege.

Lib 3. de leg.  
cap. 20.

“ 2. This supposed, *Suarez*. f affirmeth, that the end,  
“ or reason of the law is farre different from the will, or  
“ intention thereof: for without all doubt in the minde  
“ of the Law-maker these two are distinguished, to  
“ wit, his will, or intention, whereby hee intendeth to  
“ command, or binde his subiects; and the reason, which  
“ moueth him to make that command. For the will, or  
“ intention of the Law-maker, whereby he intendeth  
“ to command, doth giue force to the law, and it is the  
“ intrinsical forme, and soule of the law, as before hath  
“ been said, but the reason is only the end, which mo-  
“ ueth the Law-maker to enact the law, & is as it were  
“ the personall reason of the Law-maker himselfe;  
“ neither doth it substantially compound a *constitutive*  
“ Law: As for example, in the precept of fasting, the ma-  
“ cerating of the body, or mortification, or satisfaction  
“ for ones sinnes, and such like, which may moue the

Law-

“ Law-maker, are not of the substance of the law, nei-  
 “ ther of themselves are necessarie to the constitution  
 “ of such a law, whereupon the same law may be ena-  
 “ cted without these motives, and by one Law-maker  
 “ it may bee enacted for one motive, and by another  
 “ Law-maker for another motive, whereas the law is  
 “ the very same. Yea sometimes the Law-maker may  
 “ be moued for some priuate, or *unreasonable* motive,  
 “ and yet the law shall be of force, if in regard of the  
 “ matter, and object it be reasonable. I said according  
 “ to *Suarez*, that *the reason of the law doth not substan-*  
 “ *tially compound a constitutive law*; because, as *Suarez*  
 “ in the same place <sup>b</sup> doth well obserue, if the law doth  
 “ only declare a former law of God, or nature, then it  
 “ only dependeth vpon the reason, or, which is all one,  
 “ vpon the precedent law, for from it all the obligation  
 “ thereof doth proceed.

“ 3. Wherefore the end, or reason <sup>i</sup> of a *constitutive*  
 “ law doth not sufficiently containe the minde, or will  
 “ of the Law-maker, both for that the reason of the  
 “ law is not the text of the law, as also for that many  
 “ things are decreed by humane lawes, rather because  
 “ so it pleaseth the Law-maker, then for any certaine  
 “ reason; and therefore, as wee reade in the *Digests*,  
 “ <sup>k</sup> *Non omnium, &c. There cannot be yeelded a reason*  
 “ *of all things, which haue been decreed by our Ancestors.*  
 “ For although a law must alwaies be agreeable to rea-  
 “ son, neuertheless the chusing, or electing of those  
 “ things, which are reasonable, is oftentimes without  
 “ reason; for one may chuse that thing, which is in ve-  
 “ ry deepe reasonable, not moued thereunto for a rea-  
 “ sonable cause, but for some vn honest end; and there-  
 “ fore the reason, which moueth the Law-maker, can-  
 “ not alwaies be knowne, according to that saying of  
 “ the Ciuill law, <sup>l</sup> *Et ideo rationes eorum, &c. And there-*  
 “ *fore the reasons of those things, which are decreed,*  
 “ *ought not to be examined, otherwise many things, which*

<sup>f</sup> By the Prin-  
 ters fault it is  
 in *Suarez* rea-  
 sonable.

<sup>b</sup> Nu. 10.

<sup>i</sup> *Suarez* lib. 6.  
 cap. 1. nu. 19.

<sup>k</sup> Leg. *Non om-*  
*nium, ff. de leg.*

<sup>l</sup> Leg. *Et ideo, ff.*  
*de leg.*

“are certaine, would be overthrowne. Wherefore the  
 “sole reason of the law doth not containe the will of  
 “the Law-maker, because hee might according to his  
 “pleasure not conforme himselfe to it in all things, but  
 “only so farre forth as he would, and hath declared  
 “himselfe by his words. Neuerthelesse, if the reason of  
 “the law be knowne, as commonly it is expressed in  
 “the forefront of the law, it much availeth to finde out  
 “the intention, and will of the Law-maker, especially  
 “that reason, which is expressed in the law: for after  
 “the words themselves it seemeth to haue the second  
 “place of certaintie, for then the reason of the law is in  
 “some manner a part thereof; for it is contained, and  
 “supposed therein. Whereupon it is necessarie, that the  
 “precept, and will of the Law-maker be agreeable to  
 “his reason, and consequently that the words, which  
 “signifie the act commanded, if they be ambiguous, be  
 “determined by the reason therein expressed.

“4. And therefore that reason, which is expressed in  
 “the law, is morally a sure meanes to finde out the will  
 “of the Law-maker, yet it is not so infallible. but that  
 “also other circumstances are to be regarded; for the  
 “sense, and meaning of the reason it selfe may some-  
 “times be ambiguous, and by other circumstances be  
 “made more perspicuous, and certaine. And it may al-  
 “so fall out, that for the same reason the will may bee  
 “moued diuers waies, and to diuers things, and there-  
 “fore to know fully the will, which is the proper mind  
 “of the Law-maker, the sole reason expressed euen in  
 “the law it selfe, doth not suffice, but all circumstances  
 “are to be weighed, and diligently to be considered.  
 “But that reason, which is not expressed in the law, but  
 “invented by Expositors, although it may somewhat  
 “auaile to finde out the will of the Law-maker, yet it  
 “is not a certaine token, but only a probable conie-  
 “cture; both because the reason is not alwaies cer-  
 “taine, but controuerted among Doctors, and also be-  
 cause



“cause it is much more vncertaine, whether that was  
 “the reason, which moued the Law-maker, seeing that  
 “there may be other reasons, for which he might bee  
 “moued, and consequently it is vncertaine, to what  
 “reason the true meaning of the law is more agree-  
 able. Many other obseruations, which now to rehearse  
 would be ouer tedious, are set downe by Doctors, to  
 know how by a doctrinall interpretation lawes may  
 sometimes be extended, sometimes restrained, but these,  
 which wee haue taken out of *Suarez* almost word for  
 word, will giue no small light to the better vnderstan-  
 ding of the true meaning of the oath, whereof we now  
 doe treat.

## CHAP. II.

*The first branch of the Oath.*

**I** A. B. doe trulie, and sincerelie acknowledge,  
 professe, testifie, and declare in my conscience  
 before God, and the world, That our Soue-  
 raigne Lord King JAMES is lawfull, and  
 rightfull King of this Realme, and of all other his Ma-  
 iesties Dominions, and Countreies.

## Sect. I.

1. **A**gainst this branch two obiections especially  
 are vsuallie made. And first *Iacobus Gret-  
 zer*,<sup>a</sup> a famous Diuine of the Societie of Iesus, doth a-  
 gainst this clause [*our Soueraigne Lord*] obiekt in this  
 manner.

*Whofoeuer affirmeth that King James, and not the  
 Pope is supreme head of the Christians in great Bri-  
 tannie euen in Ecclesiasticall, and spirituall matters; de-  
 nieth the Catholique faith; But hee, that taketh the  
 oath prescribed by King James, affirmeth that King  
 James and not the Pope is supreme head of great Bri-*

<sup>a</sup>In Comment.  
 Execet. cap. 6.  
 pag. 103.

*tannie euen in spirituals, therefore hee denieth the Catholique faith. The Minor I proue: because in the beginning of the oath hee professeth, testifieth, and declareth swearing in his conscience before God, and the world, that King James is his Soueraigne Lord, but according to the common vse, and practise of England, this Soueraigne Lordship, or Supreme dominion is referred not only to the Supreme ciuill, but also to the spirituall, and Ecclesiasticall; for it is treason to deny or not to grant to the King this spirituall Supremacie.*

2. To this obiection it is answered by denying the Minor proposition. For first of all, although his Maesties Subiects, according to the present lawes of this kingdome, are sometimes vnder grieuous punishments compelled to sweare, that our most Noble Prince King James is Supreme Gouvernour of this Kingdome as well in causes Ecclesiasticall, as in temporall, neuerthelesse they are not compelled to acknowledge the aforesaid Kings Supremacie, by vertue of his oath of Allegiance, whereof now we treat, but by vertue of another oath, commonly called, *the oath of Supremacie*. And therefore although this word *Lord*, or *Dominus*, may signifie in general as well a spiritual, as a temporal *Lord*, yet when it is spoken of a temporall *Lord*, and in an oath of temporall Allegiance, it ought in common speech, and vnderstanding, to which in this oath we are tyed, to be limited by the matter, which is handled, and other circumstances annexed, according to the rules before <sup>b</sup> related, to signifie only a temporall *Lord*, or a *Lord* in temporall affaires.

<sup>b</sup> Cap.1, sect.2.

3. Besides, if wee must needs scan so strictly euery word of the oath, first, in the oath it selfe of Supremacie, whereon Gretzer groundeth his obiection, these words [*Soueraigne Lord*] are not so much as named, but only [*Supreme Gouvernour*] that hereby it may appeare, what a seuerer Censour Gretzer is, to condemne so rashly, and vpon so weake a ground, for these words  
forsooth

forsooth [*our Soueraigne Lord*] this oath of Allegiance, as containing a manifest deniall of the Catholique faith.

4. Secondly, sith that *Gretzer* will be so rigorous a Censour, that proposition, which he supposeth to proue his Minor, is also false. For I doe not in this branch of the oath *professe, testifie, and declare swearing, that King Iames is our Soueraigne Lord*, as *Gretzer* doth falsely affirme, for so *Soueraigne Lord* should be the predicate, and not the subiect of the proposition, whereas *true, and lawfull King* is the predicate, or, which is all one, is affirmed of *our Soueraigne Lord King Iames*.

5. True indeed it is, that in this branch of the oath, wee call King Iames *our Soueraigne Lord*, by which name all Kings, what Religion soeuer they professe, are vsually called by their Subiects, yet, if wee will speake strictly, and in rigour, wee doe not in this branch properly affirme, or sweare, as *Gretzer* saith, that King Iames is *our Soueraigne Lord* (although we might truly, and lawfully sweare the same:) but wee doe onely here affirme, and sweare, that *our Soueraigne Lord King Iames* is lawfull, and rightfull King of this Kingdome. Now who seeth not, that betwixt bare calling, and swearing there is a great distinction? For Iewes, Infidels, or Heretikes, who especially are subiect to the Pope in temporals, will not be much afraid, if cause require, to call him *their most holie Lord*, because this name, or title is giuen him by all men; but to professe, affirme, and sweare, that he is *a most holy Lord*, or, which is all one, that he is truly so called, they will perchance stand in some feare. As also those, who so vehementlie impugne this oath, will not sticke perchance to call it *the oath of Allegiance*, seeing that commonly it is so called, yet to professe, testifie, and by oath affirme, that it is truly, and in very deede *an oath of allegiance*, as it is vsually called, without doubt they will not aduenture. Neither is this, which we now haue said, for that cause affirmed

affirmed by vs, as though wee doe thinke it lawfull, to call King Iames *our Soueraigne Lord*, but not to acknowledge by oath, that he is *our Soueraigne Lord*; but only to shew how idly Gretzer from those words, *our Soueraigne Lord*, doth take occasion to impugn this oath, as repugnant to Catholique faith.

6. If perhaps Gretzer had dedicated this his *Exegiticall Commentarie* to King Iames, who now reigneth in great Britannie, (as hee hath consecrated the same to his most holie inother, who now reigneth with Christ in heauen) he would greatly haue feared to haue called him *most potent Lord*, as he calleth him sometimes *most potent King*, lest that he should haue seemed to acknowledge him to bee a Lord in spirituals, seeing that this *Lordship*, or *Dominion* of the K. of England, if we may giue credit to Gretzer, is according to the common use, and practise of England, to be referred not only to the ciuill, and temporall, but also to the spirituall, and Ecclesiasticall *Lordship*, or *Dominion*. And wee also doe not a little meruaile, how Gretzer durst aduenture to call the Kings Maiestie so often in his booke *King of great Britannie*, sith that betwixt a King, and a supreme Lord, or Governour, Gretzer can alleage no great distinction; and, according to Gretzer, this supreme government, or Soueraigntie, is referred not only to the ciuill, and temporall, but also to the Ecclesiasticall, and spirituall Soueraigntie.

7. But of a farre different opinion are Martinus Becanus, and Father Parsons, both eminent Iesuites, who, concerning these words, *our Soueraigne Lord*, are not so scrupulous. For Becanus<sup>c</sup> writeth in this manner: And truly to me it is certaine, that all the parts, and propositions of this oath are not false, if they be well declared. For these be true; 1. That King Iames is lawfull King of England, Scotland, and Ireland. 2. That in the same Kingdome he is Supreme Lord in temporals: And Fa. Parsons<sup>d</sup> doth confidently affirme, that there is no man,

who

<sup>c</sup> In Contreuerf. Anglie. cap. 3. pag. 102. printed at Mentz an. 1612.  
<sup>d</sup> In his booke intituled, The iudgement of a Catholique Englishman living in banishment, &c. part. 1. nu. 22. pag. 13. & 16.

who sticketh, or maketh difficultie to acknowledge our Soueraigne to be true King, and rightfull Lord ouer all his Dominions; for that euery English Catholike will sweare, and acknowledge most willingly all those parts, and clauses of the Oath, that doe any way appertaine to the Ciuill, and Temporall obedience due to his Maestie, whom he acknowledgeth for his true, and lawfull King, and Soueraigne ouer all his Dominions. Whereby it is apparant, that this violent exposition, which Gretzer wresteth from those words, our Soueraigne Lord, is neither approved by Becanus, nor Fa. Parsons, nor by any other, that I haue either read, or heard of, either of our owne, or of any other nation. See also beneath<sup>e</sup> somewhat appertaining to this obiection.

Cap. 4. sect. 3.

Sect. 11.

1. Secondly, Leonard Lessius, & a most learned Diuine of the Societie of Iesus, against these words [true, and lawfull King] argueth in this manner:

No man can lawfully affirme with an oath that thing to be true, whereof he hath no certaine knowledge, for otherwise he should expose himselfe to danger at the least of perurie: but no man can haue any certaine knowledge of the true, and lawfull titles of Kings, such that to them some things are required, which are hidden, and cannot cleerely be knowne, therefore no man can lawfully sweare, that such a one is a true, and lawfull King. The like argument with farre greater shew of probabilitie may be vrged against Popes, and especially inferiour Bishops; to whose true, and lawfull Ordination some things are necessarie, which by naturall meanes cannot be certainly knowne; and especially the true intention, and inward minde of him, who ministreth the Sacrament, without which neither Baptisme, which of necessitie is supposed to the true Ordination of a Bishop, neither the Consecration it selfe of a Bishop, is of any force at all.

§ In his Apologet. Disputation pag. 396, and in the English Recapitulation of his booke, entitled, A briefe and cleere Declaration, &c. pag. 51

2. To this obiection, which *Becannus*, and *Fa. Parsons* according to their principles but now related, must confesse, to bee but a meere Sophisme, (seeing that, according to them, *it is certaine, that euery man may, by oath acknowledge, King Iames to be true, and lawfull King of England, &c.*) it may bee answered two waies: First, that, according to the common opinion of *Diuines*, euery man may lawfully, and without any danger of periurie, sweare that thing to be true, which hee perswadeth himselfe to bee morally certaine, neither hath he any probable doubt of the contrary; although the thing, which he confirmeth by oath, be perchance in very deepe not true: but of the true, and lawfull title of our most noble Prince *King Iames* to this kingdome, we are morally certaine, neither can wee haue any probable reason, to moue vs to any neuer so small a doubt to the contrary, especiallie seeing that his true, and rightfull title to this kingdome hath been declared, and confirmed by the vniuersall consent of the whole kingdome.

3. The second answer is, that the immediate obiection of this oath, or, which is all one, the thing immediatly sworne, is not this proposition, *King Iames is true, and lawfull King of this kingdome, &c.* but this, *I doe trulie, and sincerely acknowledge, professe, testifie, and declare in my conscience, that King Iames is true, and lawfull King of this kingdome, &c.* but of this my vnfaigned, and sincere acknowledgement, profession, testification, and declaration I am not onely morally, but also Physically certaine, and therefore no man can incurre any danger at all of periurie by taking this branch of the oath. So that *Lessius* vntruly, and against the expresse words of the oath doth affirme, *that this branch of the oath is of the thing it selfe, and not of my acknowledgement, profession, testification, and declaration*: seeing that the words themselues doe most cleerely shew the contrary, and *Father Parsons*, and *Becannus* (but now cited) doe  
in



in expresse words suppose the same as certaine. And this second answer is diligently to be obserued for the better vnderstanding of the next ensuing branch of the oath.

CHAP. III.

*The second branch of the Oath.*



*And that the Pope neither of himselfe, nor by any authoritie of the Church, or Sea of Rome, or by any other meanes with any other hath any power, or authoritie to depose the King, or to dispose any of his Maiesties Kingdomes and Dominions, or to authorize any forraine Prince to invade, or annoy him, or his Countreies, or to discharge any of his subiects of their Allegiance, or to giue licence, or leaue to any of them to beare Armes, raise tumults, or to offer any violence, or hurt to his Maiesties Royall person, State or government, or to any of his Maiesties subiects within his Maiesties Dominions.*

*Sect. I.*

I. **T**His second branch of the oath is that *rocke of scandall, and stone of offence*, whereat so many of this age, as well learned, as vnlearned doe vsually stumble. For certaine eminent writers of this age, to wit, *Card. Bellarmine, Iacobus Gretzer, Leonard Lessius, Martin Becanus*, all Diuines of the Societie of Iesus, and some others moued especially with the authoritie of these men, who, to defend his Holinesse Breues, directed to the English Catholiques, haue taken vpon them to impugne this oath of Allegiance, doe chiefly relie vpon the Popes power to depose Princes, as a most sure and firme foundation to proue euidently the said oath to bee vnlawfull, and to containe many things,

which are flat contrary to faith and the health of soules, as his Holinesse hath publikely, and in expresse words by his Breues declared.

2. The first therefore, and most principall obiection, which is commonly made against this second branch, is framed by *Martin Becanus* <sup>a</sup> in this manner.

*No man can with a good conscience take that oath, wherein is contained any proposition, which he iudgeth to be cleerely false. But in the oath of Allegiance, which his Maiesie hath propounded, there is contained a proposition, which Catholikes iudge to be cleerely false, therefore Catholikes cannot with a good conscience take this oath. The Maior proposition is euident, because no man can with a good conscience affirme any thing without an oath, which he iudgeth to be false, therefore much lesse with an oath; for if a simple lie be not lawfull, much lesse per-  
inurie.*

The whole difficultie therefore is to proue the Minor proposition, which if it be once sufficiently confirmed, it will forthwith be euidently conuincied, that this oath cannot with a good conscience be taken by any Catholike.

3. And first of all *Card. Bellarmine*, and *Lessius*, and which also *Becanus* doth insinuate, doe openly professe, that it is not only false, but also cleerely repugnant to Catholike faith, to affirme, that the Popes Holinesse hath not authoritie to depose Princes; and this they imagine to haue demonstrated by the testimonie of Scriptures, holy Fathers, Councels, holy Canons, and by most euident reasons. But that *Card. Bellarmine's* arguments are not conuincing, and demonstratiue, I haue in another place <sup>b</sup> abundantly proued, and therefore I thinke it needlesse to reapeate them now againe.

4. But *Lessius* (besides the authorities, and reasons, brought by *Card. Bellarmine*, to proue this doctrine of the Popes power to depose Princes, to be embraced as a receiued principle of faith, which I haue, as I said before,

<sup>a</sup> In Contro-  
uersia Angli-  
canis, cap. 3. q. 4  
pag. 138.

<sup>b</sup> In my *Apolo-  
gie* for the po-  
wer of Prin-  
ces, and in the  
Preface to my  
*Apologet. An-  
swer*, nu. 33.  
& seq.

fore, alreadie answered; and besides certaine other his reasons omitted by *Card. Bellarmine*, which I also haue elsewhere alleaged, and satisfied) produceth this argument, as a chiefe ground, to confirme the aforesaid doctrine to be certainly beleueed as a point of faith. Thus therefore he writeth: *d But it is certainly to be held, that this doctrine [of deposing] is not ambiguous, that one may lawfully hold either opinion, but altogether certaine, so that without iniurie to faith it cannot be denied. Which first I prone, for that these propositions are in expresse termes defined in a Romane Councell vnder Gregorie the senenth, That the Pope may lawfully depose the Emperour, That he may absolue the subiects of wicked men from their allegiance. This Councell is to be seene in Onuphrius in the life of Gregorie the senenth, and in Baronius in the yeare of our Lord 1076. But a definition made by the Pope with a Councell appertaineth to faith. Therefore, &c.*

5. I cannot in truth but greatly meruaile, that so singularly learned a man should bring so weake, and vnlearned an argument to proue a matter of so great importance, as is the derthroaning of Soueraigne Princes; as though it were lawfull for any man to play with the Crownes of Kings, and Emperours. First therefore we denie, that the aforesaid two propositions were defined in a Romane Councell vnder *Gregorie the 7.* although we will not denie, but that they were indeede openly maintained by Pope *Gregorie the 7.* who was the first of all the Popes, as Historiographers do write, \* that deposed the Romane Emperour. But that the Reader may fully perceiue the truth of the whole matter, he must obserue, that in the third tome of the Councils betwixt the 55, and 56 epistle of the second booke of the Epistles of Pope *Gregorie the seuenth*, are inserted twentie seuen briefe sentences, which are there called *Dictatus Papae* among which the aforesaid two propositions related by *Lessius* are also contained. These

*c* In the aforesaid Preface, nu. 52. & seq.

*d* In his Apologeticall Disputation for the Popes power, part. 2. sect. 3. pag. 396.

\* See beneath cap. 6. sect 3. nu. 16.

briefe sentences of Pope *Gregorie*, Cardinall *Baronius* (belike to make them to carrie more credit) affirmeth to belong to the *Romane Councell*, held vnder *Gregorie* the seuenth the yeare 1076: but to proue the same he bringeth neither reason, nor authoritie, but we must, forsooth, giue credit to his bare word, *that these sentences are knowne to belong to the Romane Councell.*

6. If they bee knowne to appertaine to the *Romane Councell*, *Baronius* should haue shewed, to whom this is knowne, and for what reason, authoritie, or coniecture they are knowne to appertaine to the *aforesaid Councell*. But *Lessius* proceedeth further, and very boldly affirmeth, that they were defined in that Councell. But we beseech you, most learned *Lessius*, that you will also make knowne to vs, how this, which you doe so confidently auerre, is knowne to you. In the Decrees of the Councels these definitions are not to be found, and from *Baronius* you onely haue, that *these sentences are knowne to appertaine to the Romane Councell*. May not many things appertaine to a Councell, which neuertheless are not defined therein? Will you auerre that all those things, which are knowne to appertaine to the Councell of *Nice*, of *Laterane*, of *Vienna*, of *Constance*, of *Florence*, and lastly of *Trent*, are defined in those Councels? I thinke verily that you will scarcely admit this much. Besides, if those sentences were defined in the *Romane Synode*, how is it knowne to you, that they were defined, as propositions belonging to faith, or onely as probable assertions.

7. But what kinde of definitions those were, you might haue gathered by the eighth, ninth, tenth, eleuenth, and eighteenth sentence. For the eighth sentence is, *that only the Pope can vse the Imperiall armes*: The ninth, *That all Princes doe kisse only the Popes feete*: The tenth, *That the Popes name only is to be rehearsed in Churches*: The eleuenth, *That there is but one onely name in the world, to wit, the Popes*: The eighteenth, *That*

That the Pope, if he be canonically ordained, is by the merits of S. Peter undoubtedly made a Saint, as witnesseth Ennodius Bishop of Pavia, to whom many holy Fathers do agree as is contained in the Decrees of blessed Pope Symmachus. Will you now auerre, that also these sentences were defined in that Councell? Truly I doe not thinke you will. And if it most cleerely appeare euen in your owne iudgement, that these sentences were not defined in that Synode, how can it bee knowne to you, that the former two sentences, rather then the rest, were therein defined? Be carefull therefore, most learned *Lessius*, not to obiekt against vs such kinde of definitions, inuented first by your selfe, which in these times it had been farre better to haue omitted, then to haue vrged, for that they call either your learning, or sinceritie in question, and also doe rather weaken, then confirme the Popes power to define without a Generall Councell, which you doe so vehemently maintaine, that you will scarcely haue them to be accounted Catholikes, who are not herein of your opinion. Neither would I, for reuerence to the Sea Apostolike, haue made any mention of them at all, if you through inconsiderate zeale, and being moued thereunto by no sound and sufficient reason, had not aduentured, to enforce timorous consciences, and to thrust by violence vpon the Christian world doubtfull positions for certaine, and to coyne new articles of faith, to the great obloquie of so famous Diuines, who are not of your opinion, and also to the exceeding great temporall preiudice of all vs English Catholikes.

8. But be it so, let vs grant you for disputation sake, which you cannot proue, that these brieve sentences were defined in that Romane Councel not only as probable assertions, but also as most certaine positions of faith, yet wee may, without iniurie to the Catholike faith, with the Doctors of Paris, and many others, whom we will beneath relate, denie your Minor proposition,

position, to wit, that the Popes definition only with a Prouinciall Councell, as that Romane Synod was, doth of necessitie make the doctrine, which it defineth, to be beleued of all men as a point of faith, seeing that there are many Catholikes both of singular doctrine, and pietie, as I said before, who doe constantly auerre, that the Pope defining without a Generall Councell may erre, and be deceiued. And I would willingly behold the shamelesse forehead of that man, who would not blush to traduce so great, and so worthie men of such eminent authoritie, learning, and pietie, as being halfe Catholikes, and enemies to the Sea Apostolike, or to distaine their honour with the reprochfull infamie of heresie, error, or teineritie.

f In Contro-  
uers. Anglican.  
cap. 3. in fine.

9. Secondly, *Becanus*<sup>f</sup> for confirming the *Minor* proposition, onely relieth vpon the authoritie of the Councell of *Laterane*, and the vniuerfall consent of the whole Christian world, so that he thinketh it to be most certaine, that the Pope, if not by diuine law, and the institution of Christ, yet at the least by humane law, and by the permission of the whole Christian world decreed, receiued, and approued in the Councell of *Laterane*, hath power to depose disobedient Kings, and Princes. And at the last he concludeth, that it is all one to sweare, that the Pope hath no authoritie to depose the King, and to sweare, that the great Councell of *Laterane*, and that all the Popes, Diuines, and Lawyers, and all others, who doe teach, that the Pope hath power to depose the King, haue erred in this point. What Catholike man dare presume to sweare this? Truly, it were all one, as if hee should say, I sweare in my conscience before God, that concerning this point I know more then all others: No man, as I thinke, is so arrogant.

10. To this obiection of *Becanus* wee answer in like manner, that wee also doe no lesse meruaile, that a man so excellently learned (to impugne the oath of Allegiance) should so nakedly, and rawly produce the sole authoritie



authoritie of the Councell of *Laterane*, which I haue already in the Preface of my Apologeticall Answer fully satisfied, and abundantly shewed, first, that the aforesaid Councell hath neither defined, nor supposed as certaine this doctrine of the Popes authoritie to depose Princes. And secondly, that although it had supposed this doctrine as true, yet vnlesse it had supposed it as certainly, and vndoubtedly true, and not only as probably true, the contrarie opinion may be maintained without any danger of faith, or any temeritie at all.

11. But that you may perceiue the weakenes of your argument, tell vs, I pray you, most learned *Becanus*, whether all those Diuines, who with might and maine doe defend, that the blessed Mother of God was conceived without originall sinne, among whom are *Alphonſus Salmeron*, and *Franciscus Suarez*, both famous Iesuites, who, to confirme this doctrine, doe allege the consent almost of the Vniuersall Church, and the vniforme assent of all Vniuersities, must forthwith auerre, that all other Catholikes, who are not of their opinion, haue erred in this point, or that they in this point know more, then all others, who embrace not their opinion? *What Catholike dare presume to auerre this much? No man, as I thinke, is so arrogant.* May not in the Church of God many opinions be probably defended on both sides without impeaching, either of error, temeritie, or any other crime?

12. Doth not *Ioan. Maldonate*, an excellent Diuine of your Order, boldly affirme, & that *neither the Pope, nor the whole Church hath power to dispense in the solemne vow of chastitie, and that those Ecclesiasticall persons, and Interpreters of the Canon law, who haue taught the contrarie, doe seeme to him to haue had more regard of some examples of certaine Popes, then of the holy scripture: For what Diuinitie would auerre, that the Church can dispense in the law of God, and nature? But who, vn-*

§ In Summula  
q.13.ar.7. vide  
etiam qu.15.  
ar.21. & 22.

lesse an heretike, will deny, that the vow of chastitie doth binde by the law of God, and nature? And neuerthelesse I thinke you will scarcely affirme, that *Maldonate* therefore intended to condemne of errour, or any other crime, so many Popes dispensations, and all those Catholikes, who be not of his opinion herein. Truly *Dam* ashamed, that men of so great learning, and who aboue others profess religious perfection, should be so stiffe in their owne opinions, that they feare not vpon sleight grounds both against the rule of Christian charitie, and in reproch of Catholike Religion, to slander most learned, and vertuous Catholikes, who cleaue not to their opinions, with heresie, errour, temeritie, or any other grieuous crime. And this may suffice for the satisfying of *Becanus* his argument, vntill he do demonstrate, that those answeres, which I haue made to the *Councell of Laterane*, be altogether improbable.

13. Thirdly, *Franciscus Suarez* also a most learned Iesuite, and one of the chiefe Professors of Diuinitie in this age, in his *Treatise of lawes*, lately printed at *Antwerpe*, hath alleaged<sup>a</sup> certaine arguments, whereby the aforesaid *Minor proposition* may be confirmed; to wit, that the temporall power is subiect, and subordinate to the spirituall, and consequently that the Pope, for the spirituall good, hath power to depose Princes, and to dispose of all their temporals: for the *indirect dominion*, or authoritie, which the Pope hath ouer the vniuersall world, from which the Diuines do deriue his power to depose Princes, is only grounded, saith *Suarez*, in the subordination of these two powers. And although the reasons, which *Suarez* bringeth, be triuiall, and haue long since been produced by *Card. Bellarmine*, and diuers others, yet I thought it necessarie to put them downe in this place, for that his authoritie is of great moment with the best learned Priests of our nation, who with great expectation haue long desired to see, what arguments he could produce to confirme this doctrine

<sup>a</sup> Lib. 4. de Legibus cap. 9.

ctrine of deposing Princes by the Popes authoritie, assuring themselves, that a Diuine of so profound erudition now at the last, after so exact debating of this controuersie, would bring the very best, and choicest reasons, which could be inuented, to demonstrate the aforesaid authoritie.

14. Two therefore onely arguments Suarez doth bring to proue the subordination of the Ecclesiastical, and Ciuill power, *wherein* (saith he) *the indirect dominion in temporals, which the Pope hath ouer the vniuersall world, is only grounded.*

The first and principall ground (as hee saith) of this subordination is taken from the vnitie of the Church sufficiently signified in the Gospell, and declared by S. Paul, 1. Cor. 12. who saith, that we all are baptized into one bodie, &c. and, Rom. 12. wee being many are one bodie in Christ, &c. and Ephes. 4. and many other places: which reason Suarez dilateth in this manner.

15. Seeing that Christ our Lord hath instituted his Church as one spirituall kingdome, wherein there should be also one King, and one spirituall Prince, it is necessarie, that the temporall power should be subiect to the spirituall, as the body is subiect to the soule. For by this example doth Gregorie Nazianzene very well declare the subordination of these two powers: for as a man were not well compounded, unlesse the bodie were subordinate to the soule, so neither the Church should be conueniently instituted, unlesse the temporall power were subiect to the spirituall, as Pope Boniface the 8, out of S. Bernard, hath well concluded, affirming, that the sword must be vnder the sword, and the temporall power must be subiect to the spirituall. For where there is one body, it is necessarie that there be one head, wherunto all the members must in some sort haue recourse; otherwise neither peace, nor perfect vnitie could be in the body: But the Church of Christ is one body, therefore, although there be in it many powers, or Magistrates, it is necessarie, that they haue

<sup>1</sup>Orat. 17. ad  
populum timore  
perculsum.

\* Dist 96 can.  
Duo sunt.

among themselves a subordination. For as much therefore as it were a peruerse order, if spirituals were subiect to temporals, it must of necessitie be granted, that the temporall power is subordinate to the spirituall. Which subordination may also be confirmed by Pope Gelasius, <sup>k</sup> who out of those words, *Pasce oues meas*, doth insinuate, that Kings and Emperours are subiect to S. Peter.

16. But if thou answer, that Kings and Emperours are subiect to S. Peter in his spirituall gouernment: Against this answer Suarez replieth in this manner: For to make (saith he) the temporall gouernment right, and honest, it must of necessitie haue a spirituall rule, therefore it is necessarie, that the temporall power it selfe of gouerning be directed by the spirituall: and this is to be subiect, and subordinate to it. And for this cause Popes are to render an account for Kings, and Emperours, because it belongeth to them to correct, and amend in whatsoeuer they, not only as men, but also as Kings, shall in exercising their power offend.

17. The second argument, which Suarez bringeth to confirme this subordination, is this: because Christ our Sauiour had not otherwise sufficiently provided for his Church, if he had not giuen her power, to keepe Kings and Princes in due order at the least, by vsing the spirituall sword.

18. To these arguments of Suarez I answer, that, to speake the truth, I am by them rather much confirmed in my ancient opinion, to wit, that the doctrine concerning the Popes power to depose Princes is not certaine, then any way withdrawne from the same. For he affirmeth nothing else, then what I will most willingly grant him, and which in my Apologie for the rightfull power of Princes, and my Apologeticall answer, I haue more at large declared. First therefore I admit, that the Church of Christ is one mysticall bodie, and one spirituall kingdome, and that all Christians as well Kings, as Subiects, are members of this body.

body. But we utterly deny, that this spiritual kingdome of Christ is compounded of the Ecclesiasticall, and politike power; neither will *Suarez*, as I thinke, affirme the same, but the only politike, or temporall power doth compound earthly kingdomes, and of the sole spirituall power is compounded the kingdome of Christ, as I elsewhere<sup>1</sup> out of Card. *Bellarmines* grounds haue more plainly shewed, and also *Becanus*<sup>m</sup> in expresse words doth acknowledge the same.

19. Moreouer, we grant with Pope *Boniface* the 8, that the temporall sword is under the spirituall, and that the temporall power is subiect to the Ecclesiasticall, not only in nobilitie, nor yet of it owne nature, as Cardinall *Bellarmines*<sup>n</sup>, and *Becanus*<sup>o</sup> doe well affirme, but only accidentally, in that manner, which I haue heretofore<sup>p</sup> more fully declared, to wit, in regard of the sin, which Princes, when they abuse their temporal power, doe commit: which in very deepe is nothing else, then that a temporall Prince in spirituall matters is subiect to the spirituall power of the Church. And this is the onely meaning of *S. Gregorie Nazianzene*, when hee compareth the spirituall, and temporall power, to the soule, and bodie. Which similitude, as I haue elsewhere<sup>q</sup> shewed, doth rather weaken, then confirme the Popes power to depose Princes, and to dispose of their temporals. For as the soule hath power to command the body to exercise all corporall actions, which are subiect to the command of our free will, yet she hath not power of her selfe to exercise those actions, which are proper to the body, without the helpe and assistance of a corporall organ; so also the spirituall power of the Church hath authoritie to command the temporall power, or rather a temporall Prince, in whom the supreme temporall power doth reside, to doe all those temporall actions, which are necessarie to the preserving of the spirituall good, yet the spirituall power hath not authoritie of her selfe to dispose of tem-

<sup>1</sup> In Apolog. nu. 137. & seq.  
<sup>m</sup> Aduersus Torturam Torti part. 2. cap. 3. arg. 3.

<sup>n</sup> Lib. 5. de Roman pont c. 6.  
<sup>o</sup> De Primatu Regis Angliae cap. 1. u 4.  
<sup>p</sup> In the place before cited.

<sup>q</sup> In the place but now cited, and in my Apologet. answer nu. 19. & seq.

porall things, or which is all one, cannot of her selfe exercise those functions, which are proper to the ciuill power, without the aide and concurrence of the Secular Magistrate. But all this is nothing else, then that temporall Kings, and Princes in spirituall, or in temporals, as in regard of the sin annexed, which is spirituall, they are made spirituall, be subiect to the spirituall direction, command, chastising, and gouernment of the Ecclesiasticall power. Neither doth *Suarez* in his Reply, when hee affirmeth, that the very power of gouerning temporally, to make it vertuous, and honest, must be directed by a spirituall rule, proue any thing more then what we haue said, vnlesse he will contradict both himselfe, and most euident reason.

20. Neuerthelesse, I cannot denie, but that the aforesaid assertion of *Suarez* is very equiuocall. For if by a *spirituall rule* hee vnderstand a *supernaturall*, and *Ecclesiasticall rule*, and by *rectitude*, and *vertue* hee meane *supernaturall rectitude*, and *vertue*, his assertion is most true: for, to make temporall gouerning to bee good and vertuous *supernaturally*, it must of necessitie be directed and guided by a *supernaturall rule*. But if he speake onely of *morall rectitude*, and *vertue*, it is most false, that to make temporall gouerning good and vertuous *morally*, it must of necessitie be directed by a *supernaturall rule*, but it sufficeth, if it be directed by the rule of *morall rectitude* and *vertue*: which *morall rule*, although in some sort it may be said to be spirituall, as also all *morall vertues* are, which are inherent in the soule, which is *spirituall*, yet it is not an *Ecclesiasticall*, or *supernaturall rule*. And thus much *Suarez* himselfe in the same Treatise doth suppose for certaine. For hee admitteth, as vndoubted, that Infidel Princes haue true, and full authoritie to enact iust and honest lawes, and yet it is manifest, that in making such lawes they are only guided, and directed by *morall rectitude*, and honestie, and not by any *Ecclesiasticall*, or *supernaturall rule*.



rule. And by this the Reader may easily perceiue, how weake, and vnfound is the chiefeft foundation for the Popes power to dispose of temporals, which, as *Suarez* himfelle confesseth, *is only grounded in the vnitie of the Church, and in the subordination of the temporall power to the spirituall.* And thus much concerning *Suarez* his first argument.

21. His second argument also we doe freely grant him. For wee doe willingly admit, that Christ hath left in his Church sufficient power to keepe Kings, and Princes in good order, *at the least by using the spirituall sword.* But from hence it cannot be certainly gathered, that the Church hath power to depose Princes, or to dispose of their temporals; for so he should haue power to vse not only the spirituall, but also the temporall sword. And the very same reasons, which our Aduersaries can bring to proue, that the Church for the spirituall health of soules must of necessitie haue sufficient power and authoritie to depose Princes, will in like manner conuince, that she must also haue sufficient force and meanes to execute this her authoritie, and actuall to thrust them out of their kingdome: for by the actuall reigning of wicked Princes, more then by their right, and title to reigne, the health of soules is chiefly endangered. By this therefore it is manifest, that *Suarez* is not in very deepe contrarie to our opinion, but that rather he may be rightly alleaged for a fauourer thereof; seeing that by his arguments no other thing can be gathered, then that the temporall power in regard of sinne, which is spirituall, is subiect to the spiritual direction, command, and chastising of the Church: which both I, and both the *Barclaies*, with all other Catholikes, doe freely acknowledge; and that *Suarez* doth not in very deepe dissent from our opinion, his manner of handling the question doth cleerely shew. For vnlesse hee would in expresse words haue auerred, what we affirme, what other thing could he haue said, then

then that, which he, handling this question of set purpose, hath taught, and last of all concluded, *that the Church must haue a power to keepe Kings and Princes in good order, at the leastwise by using the spirituall sword.*

22. Wherefore to the principall obiection, which is put downe in the beginning of the Chapter against this second branch of the oath, it is easily answered by denying the Minor proposition, if it be vnderstood of all *Catholikes*, as without doubt it must be vnderstood to make the argument to haue any colour of probability. For many *Catholikes*, whom heretofore I haue named, and some of them I will beneath relate, doe plainly hold, that the Pope hath no authoritie to depriue Supreme Princes of their kingdomes, and to dispose of temporall things. And therefore this doctrine of deposing Princes by the Popes authoritie is not certaine, and without all doubt, and much lesse to be beleeued as a point of faith as *Card. Bellarmine*, and *Lessius*, and before them *Gregorius de Valentia* doe rashly affirme, sith that the contrarie opinion is probably defended by *Catholikes*, and consequently may be maintained without danger of mortall sinne. But this at this present wee doe suppose both out of that, which we haue already abundantly disputed, and will hereafter dispute against the arguments which *Card. Bellarmine* hath gathered out of holy Scriptures, ancient Fathers, Councils, and Principles of Diuinitie, and also out of *John Barcklay*, who hath very learnedly defended his father, Master Doctor *Barcklay*, against the Treatise of *Card. Bellarmine* for the Popes power in temporals.

### Sect. II.

**T**He second obiection, somewhat different from the former, which is vsually made against this second branch of the oath, and insinuated by *Lessius*<sup>a</sup>, as his

*English*

<sup>a</sup> In my Apologie nu. 4. & seq.  
<sup>b</sup> Sect. 3. nu. 5. & seq.

<sup>c</sup> Against D. Schucklenius his Apologie for *Card. Bellarmine*.

<sup>a</sup> In Disput. Apolog. nu. 216. 217.

English Recapitulator \* doth relate, may be framed in this manner.

\* Pag. 52.  
§ Fourthly.

1. No Catholike can without danger of perjurie swear that to be true, whose truth in the iudgements of all Catholikes is accounted at the least to be doubtfull, for so he should expose himselfe to danger of swearing an untruth, but whether the Pope hath power to depose Kings and Princes, is by all Catholikes accounted at the least to be a doubtfull, and disputable question, as doth appeare by the streame of Doctors, whereof some are of opinion, that this doctrine for the Popes power to depose Princes is undoubtedly true, and no man doth condemne it as undoubtedly false: therefore no Catholike can, without danger at the least of perjurie, swear, that the Pope hath no authoritie to depose Kings and Princes.

2. To this obiection two answers are vsually made, and both of them doe out of my Apologie for the rightfull power of Princes, and out of Iohn Barcklay I suppose, that without any danger of heresie, errour, or any other crime, it may by Catholikes be probably defended, that the Pope hath not authoritie to depose Princes, or, which wee now doe take for all one, to depriue them of their lawfull right, and title to reigne; and consequently, that this question of depriuing Princes by the Popes authoritie, is not a doubtfull thing, to wit, whereof no determinate assent can be had, but probable, and by Catholike Doctors controuerted on both sides. For betwixt doubtfull, and probable, or disputable, which two are cunningly confounded in the obiection, there is a great distinction, as beneath \* out of the doctrine of Gabriel Vasquez we will shew more at large.

† In Vindicijis  
pro Regibus.

3. This supposed, the first, and most principall answer is, that the thing, which in this branch of the oath wee doe immediatly, directly, and properly swear, is not, that the Pope hath no authoritie to depose the King, as the obiection doth falsely suppose, but, that I doe truly, and sincerely acknowledge, profess, testifie, and de-

\* Cap. 10. sect. 3  
nu. 9. & 19.

<sup>a</sup> Cap. 2. sect. 1.  
nu. 7.

clare in my conscience, that the Pope hath not authoritie to depose the King, as the expresse words of the oath both in the first, and the last branch thereof do most euidently declare, and also <sup>a</sup> *Martinus Becanus*, and Father *Parsons*, whose words wee haue before related, doe freely confesse: which my sincere acknowledgement, and declaration of my opinion, sith that it is in no sort doubtfull, but physically certaine vnto me, I may lawfully, with a safe conscience, and without any danger of periurie confirme by oath.

4. The *second answer* is, that betwixt depriuing, and deposing a King, there is a great distinction, if wee will speake according to the expresse meaning of this oath, which betwixt these two doth make a manifest difference, as appeareth by those words contained in the fourth branch of the oath, *Princes depriued by the Pope, may be deposed by their subiects, or any other whatsoever.* For to depriue Princes, is by a iuridicall, or lawfull sentence to take away their right, and iust title to their kingdomes, which depriuing is in the fourth branch of the oath referred to the Pope; but to depose Princes, is to execute this sentence, and to displace, or thrust them out of the possession of their kingdomes, which deposing is attributed to the subiects, or any other whatsoever. If therefore in this second branch of the oath it is only affirmed, that the Pope hath no authoritie to depose the King, that is, to thrust him out of the possession of his kingdome, then that proposition, (if we once suppose, y<sup>t</sup> this his authoritie to depriue Princes, is not decided by the Iudge, nor certainly agreed vpon by Catholikes) is in my opinion morally certaine, neither is it by any Diuine, or Lawyer, whom I haue read, called in question; seeing that the Pope hath no authoritie to depose the King, or to put him out of the lawfull possession of his kingdome, so long as it is vncertaine, not decided, and in controuersie among vertuous and learned Catholikes, whether he hath any such authoritie.

tie to deprive Princes, or no, as in the end of my Apologie, out of the approved rules of the *Canon*, and *Ciuill* law I haue sufficiently deduced; and also out of the knowne principles of Diuinitie, if neede require, I will further confutme.

Sect. III.

1. **T**Hirdly, against this second branch it may be objected, that although a learned and skilfull *Diuine*, who is able to search into the depth of this difficult controuersie, and to examine exactly all the reasons and proofes, which are vsuall made against, and for the Popes authoritie to deprive Princes of their kingdomes, may perchance haue some sufficient ground prudently to perswade his conscience; that the Pope hath no such authoritie; yet an vnlearned man, who for want either of naturall capacitie, or of sufficient learning, is not able to examine these deepe Theologicall questions, cannot prudently, and without euident temeritie frame vnto himself a right dictamen of conscience, whereby he may lawfully perswade himselfe, that the Pope hath not this authoritie giuen him by Christ, which the greater part of Catholics, both *Diuines* and *Lawyers* doe constantly affirme to be giuen him by Christ his institution; therefore at the least an vnlearned man cannot without great temeritie take this second branch of the oath, although he should onely sweare his opinion, perswasion, or declaration.

2. But this obiection is easily satisfied: And first it may be answered, that although one rashly conceiuing this, or that opinion, or hauing any bad intention to do euill, doth offend in this, that hee iudgeth rashly, or intendeth to doe euill, yet the oath it selfe, wherein hee truly auerreth, that he hath this rash opinion, or wicked intention, may be without any offence at all. As if a Superiour should command his subiect to declare vnto him sincerely his opinion concerning such a matter, the

subie& may lawfully, and without any temeritie tell his opinion, and if neede require, confirme it by oath, although perchance hee conceiued that opinion rashly, and vnaduisedly. Wherefore from this obiection it can not well be gathered, that this second branch of the oath cannot without temeritie be taken by vnlearned men, but at the most it may be inferred, that vnlearned men cannot without some note of temeritie perswade themselues, that the Pope hath such authoritie granted him to depriue Princes, albeit, if they haue once, although rashly, conceiued such an opinion, they may without any temeritie sweare this their temerarious opinion.

3. The *second* therefore, and *principall Answer* is, that also an vnlearned man may with a safe conscience, and without any danger of temeritie take this second branch of the oath, for that he may prudently, and vpon sufficient grounds perswade his conscience, that the Pope hath no authority to depriue Princes granted him by Christ his institution. For as heretofore <sup>b</sup> I haue briefly insinuated, and will beneath <sup>c</sup> reapeate the same againe, there bee two sorts of principles, or grounds, whereby a man may be perswaded, that this, or that opinion is true, or false. The first are called intrinsecall grounds, and doe consist in the discussing, and debating of all the reasons and arguments, which may be alleaged for, and against any opinion: And these kinde of grounds doe only appertaine to learned men, who are able to discerne what force the reasons, and answers on both sides haue. The other grounds are called extrinsecall, and they are only founded vpon the bare authoritie of prudent, and learned men, vpon whose authoritie in a matter disputable, and controuerted among Doctours, any man may prudently, and without any note of temeritie relie. And these grounds are common also to vnlearned men, who, although they are not able to weigh exactly the reasons, or intrinsecall grounds

<sup>b</sup> In the end of my Apologie.

<sup>c</sup> Cap. 10. sect. 3. nu. 10.



grounds of this, or that opinion, yet they can easilie learne, and discerne, what opinion learned men doe follow. And this is a sufficient ground for vnlearned persons, to cleaue vnto the opinion of skilfull, and prudent men, whose iudgements, sith that they themselues bee not able to discusse the controuersie, may safely, and securely follow, although the contrarie opinion bee perchance the more probable, the more secure, and embraced by the greater number of Diuines, as beneath<sup>d</sup> out of the doctrine of *Gabriel Vasquez*, a most learned Iesuite, I will shew more at large.

<sup>d</sup>Cap. 10. sect. 3  
nu. 11. & seq.

4. As for example, in this case of vsurie there is a great controuersie among Diuines, whether in lending of money it be lawful to take interest *ob lucrum cessans*, that is, in consideration of the profit, or gaine, which the lender might haue made, if he had employed his money otherwise, some Diuines affirming, and some denying it to be vsurie. Now, if a vertuous, prudent, and learned Diuine doe confidently tell an vnlearned person, that the opinion, which affirmeth it to be no vsurie, is probable, and in practise secure, and which liketh him best, although many others, and perchance the greater, and better sort of Diuines doe follow the contrarie opinion, which also without all doubt is the more secure, yet the authoritie of this learned Diuine is, according to the truer, and more approued opinion of Diuines, a sufficient ground for the vnlearned man, whereby he may securely, and without any note of temeritie perswade his conscience, that he may lawfully take *interest* for that respect, and reiect in practise the more common, and the more secure opinion of other Diuines, albeit he, sith that he is vnlearned, be not able to examine the nature, qualitie, and conditions of vsurie. And the like may be applied to this present controuersie of deposing Princes by the Popes authoritie, and others such like disputable cases.

But that the vnlearneder sort of people may in part

<sup>e</sup> In Apolog. &  
Resp. Apolo-  
get.

<sup>f</sup> In Chronico  
Monasterij  
Hirsau the  
yeare 1106.

<sup>g</sup> De Scripto-  
ribus Ecclef.  
ad annū 1340.

<sup>h</sup> In Dictiona-  
rio verbo,  
Electio.

perceiue, what sufficient extrinsecall grounds, and authoritie of learned and prudent men they may haue, to perswade their conscience securely; that the Pope hath not any power to depose Princes, and to dispose of their temporals, I will only produce some few authorities of so many, which I haue heretofore <sup>e</sup> alleged.

5. The first authoritie is of *John Trithemius* an Abbot, of the Order of *S. Benedict*, and a man of singular learning & pietie, who writeth, that in his time, to wit, in this present age, wherein nothing hath been newly defined either by Councils, or Popes, concerning the Popes authoritie to depriue Princes (for all the decrees of Popes, and Councils, which by Card. *Bellarmino* are usually alleged to confirme the aforesaid authoritie, were long before *Trithemius* his time) this opinion which denieth the Pope to haue any such authoritie, was probably defended by Scholasticall Doctors. For so he writeth, <sup>f</sup> *He indeede [Henry the 4.] was the first among all the Emperours, who was deposed by the Pope. The Scholasticke are at strife, and as yet the controuersie is not decided by the Iudge, whether the Pope hath authoritie to depose the Emperour, or no; which question, seeing that it belongeth not to vs, we will leaue indiscussed.*

6. The second testimonie is of *Albericus Roxiatius*, a most famous Professor, as *Trithemius* & writeth, both of the Canon, and Ciuill law, and a man excellently learned, who liued in the yeare 1340. For he calleth in question the foure most principall Decretall letters of Popes, which fauour their authoritie to dispose of temporals, (whereof one is that famous, and so often inculcated by our Aduersaries, sentence of deposition, giuen against *Fredericke* the Emperour by Pope *Innocent* the fourth, in the presence of the Councell of *Lyons*) and affirmeth, that they are not in his opinion, agreeable to law, but that they were made by Popes against the libertie, and right of the Empire. *The Pastors of the Church* (saith he <sup>h</sup>) *medling with that, which belongeth not vnto them, haue*

have made foure Decrees; the one concerning the election of the Emperour, which beginneth, Venerabilem, and of this it is there noted by all men. Another is about the deposing of Fredericke the Emperour, extra de sententia, & re iudicata, cap. ad Apostolicæ in Sexto, where also of this it is noted by all men. Another is concerning the discord betwixt Henry the Emperour, and Robert King of Sicily, and the sentence of treason published by the Emperour against him, which Decree is in Clementina de sententia, & re iudicata, cap. Pastoralis. Another is in Clementina prima de Iurciurando, that the Emperour is bound to sweare allegiance to the Pope, and concerning the Popes authoritie ouer the Emperour, which Decrees, whether they be iust, or no, God knoweth. For I (under correction) (and if it should be erroneous I recall it) doe thinke that none of them be agreeable to law. Yea my opinion is, that they were published against the rights and libertie of the Empire, and I thinke that by God they were instituted distinct powers: Whereof I haue noted sufficiently lege prima, Cod. de Summa Trinitate, & fide Catholica.

7. The third authoritie is of Ioannes Parisiensis, a famous Diuine of the Order of S. Dominicke, and, as Trithemius affirmeth, <sup>i</sup> most learned in the holy Scriptures; and who in the Vniuersitie of Paris was for a long time together publike Professor, and left behinde him many disciples; he flourished about the yeare 1280. This Doctor (therefore) although hee be of that opinion <sup>k</sup>, that if a King should become an he. etike, and incorrigible, and a contemner of Ecclesiasticall Censures, the Pope might doe somewhat with the people, whereby he might be deprived of his Secular dignitie, and be deposed by the people, to wit, he might excommunicate all those, to whom it belongeth to depose the King, who should obey him, as their Soueraigne: Neuerthelesse hee is of this opinion, that it belongeth not to the Pope to depose in iudicall Kings, or Emperours for any crime whatsoever, although it be spiri-

tual,

<sup>i</sup> De Scriptoribus Eccles. ad annum 1280.

<sup>k</sup> De potest. Regia, & Papali cap. 14. ad 20.

<sup>1</sup> Almainus de  
potest. Ecclef.  
q. 2. cap. 8.

small, that is, by a definitiue sentence to deprive them of their kingdomes, in such sort, *that after the sentence be published, they should haue no more power, and authoritie*<sup>1</sup>. For hee affirmeth, *that Excommunication, or such like spirituall punishment is the last, which may be inflicted by a spirituall Iudge. For although (saith he) it belongeth to the Ecclesiasticall Iudge to recall men to God, and to withdraw them from sinne, yet hee hath not power to doe this, but by using those meanes, which be giuen him by God, which is by excluding them from the Sacraments, and participation of the faithfull.* Wherefore, although *Parisensis* doth thinke, that the temporall common wealth hath in some cases of very great moment, authoritie to depose their Prince, with which question I doe not at this present intermeddle, yet concerning the principall controuersie, which is now betwixt me, and Card. *Bellarmino*, to wit, whether it be hereticall, erroneous, or temerarious to affirme, that the Pope hath no power to deprive Princes of their Royall right, and authoritie, *Ioannes Parisensis* doth most plainly, as wee now haue shewed, contradict the opinion of Cardinall *Bellarmino*.

<sup>m</sup> Antonius  
Possevinus ver.  
bo Gulielmus  
Barclaius.

<sup>n</sup> In lib. 4. de  
Regno cap. 4.

8. The fourth authoritie is of *William Barclay*, a most learned man, and yet no more learned, then religious (howsoever some falsely, and vnchristianly doe calumniate him) *who in times past was Counsellor to the Duke of Lorraine, and Master of Requests, and in the Vniuersitie of Mussepont Professor of the Canon, and Civil law, and also Deane.* <sup>m</sup> This Doctor therefore in his booke *de Regno*, printed at Paris in the yeare 1600, with priuiledge of the most Christian King of France, (which booke *Possevine* in his *Bibliotheca* relateth among other approued bookes, and taketh no exception against it) writeth <sup>n</sup> in this manner: *First of all wee acknowledge, that all Kings are by the most streight bonds of nature, and religious oath obliged to keepe Gods commandements, to worship him religiously, and to vse all care*  
and

and diligence, that their subiects doe not revolt from true Religion, and fall into Idolatrie, Iudaisme, or heresie. But if they omit to doe the same, or be negligent therein, they are to be iudged by God alone, because only to God they are subiect, I speake of temporall iudgement, and subiection. For all Kings, as they are children of the Church, as they are Christians, as they are sheepe of Christ his flocke, ought to acknowledge the Pope S. Peters successor, and Christ his Vicar, to be as much their Superiour, as they are to every one of the people, that as they have authoritie to iudge rebels, and traitors, and to deliuer them to the executioner to be punished, so the supreme Prince, and vniuersall Pastor of the Church, hath power to condemne with spirituall iudgement Princes offending against God his law, and to deliuer them to inuisible tormentors to be punished with the rod of the inuisible spirit, and with the two edged sword of Excommunication. And this his opinion he in his booke published after his death, hath against Cardinal Bellarmine reasons very learnedly, and elegantly maintained, whom his sonne John Barcklay hath with great learning, and elegancie defended against the most foule calumnies, which Cardinall Bellarmine endeouored to lay to his fathers charge.

9. The fifth testimonie may bee grounded vpon the authoritie of Master George Blackwell<sup>o</sup>, a vertuous and learned man, and not long since the Archipresbyter of the English Priests, who euen vntill death maintained this opinion, that the Pope hath not power to depriue Princes of their kingdomes: and also of Master William Barret<sup>p</sup> an English Catholike, and moreouer of those thirteene English Priests, whose authoritie to confirme this opinion, I did heretofore<sup>q</sup> alleage in these words.

10. And the very same opinion are bound to follow, to make their fact to bee lawfull, those thirteene<sup>r</sup> English Priests, and all of them, two onely excepted, at this present time alieue (whose names, if before<sup>t</sup> they had not been published, I would in truth haue concealed) who,

<sup>o</sup> In his Examination

<sup>p</sup> In his booke de Iure Regis.

<sup>q</sup> In the Preface to my Apologeticall Answeres ru. 26

<sup>r</sup> D. William

Bishop, Iohn

Colleton, Iohn

Mush, Robert

Charnock, D.

Iohn Bosseuile,

Antony Hebborne,

Roger Cadwalader,

Robert Drury,

D. Antony

Champney, Iohn

Lackson, Francis

Barnebey, Oswald

Needham,

Richard Euton.

Whereof

three are Do-

ctors of Sorbon,

the rest are ac-

counted by Ca-

tholikes to be

grauely, vertuous,

and learned mē.

<sup>t</sup> In the end of Master Blackwells Latine Examination.

To wit, as much as did lye in them; for that they made a put like instrument of this their protestation, to be published to the whole Christian world, when it should please the Magistrate; So that I wonder vnder what colour of probability any learned, or prudent man can object against those words *[to all the Christian world]* although they were not expressed in any part of the instrument, as in very deed they are inescapable words contained.

to giue assurance of their loyaltie to the late *Queene Elizabeth*, did by a publike instrument protest, and made it knowne to all the Christian world, that she (being at that time excommunicated by name, and depriued by the sentence of Pope *Pius* the 5. of her Regall authoritie), had neuerthelesse as full authoritie, power, and Soueraigntie ouer them, and ouer all the subiects of this Realme, as any her Highnesse Predecessors euer had. And that notwithstanding any authoritie, or any Excommunication whatsoeuer, either denounced, or to be denounced against her Maiestie, or any borne within her Maiesties Dominions, which would not forsake the defence of her, and her Dominions, they thinke themselues not only bound in conscience not to obey this, or any such like Censure, but also doe promise to yeeld vnto her Maiestie all obedience in tempora'l causes.

11. Wherefore this their promise, and declaration doth not onely belong to a matter of fact, but also to declare the lawfull right, and authoritie of her Maiestie to reigne. For these Priests doe not onely protest, that *Queene Elizabeth* (being then by the Pope depriued of her Regall authoritie) did reigne *de facto*, whereof there could be made no doubt, and doe not only promise, that they will obey her Maiestie *de facto*, but also they do acknowledge, and professe, that she at that time had as full authoritie, power, and soueraigntie ouer them, and all the subiects of this Realme, as any her Highnesse Predecessors euer had. Which their assertion truly is most false, if the Pope had power to depriue her of her Regall authoritie. To these our English Priests I could adde many others both learned, & vertuous, who are of the selfesame opinion, although to auoid his Holinesse indignation against them, they are fearefull publicly to professe the same, and therefore I thinke it not conuenient to expresse their names.

12. Finally, the sixth authoritie, (which therefore in the last place I haue produced, for that it, as also the former



mer authoritie of Master *Blackwell*, and those thirteene Priests, doe confirme almost euery clause of the oath) is grounded in a very substantiall testimonie of the kingdome of France. And first in a Generall assemblie of the States of France, held at *Paris* in the yeare 1593, Cardinall *Pellene*, and other Prelates, who then were present, would not receiue certaine Decrees of the Councell of *Trent*, among which that of the 25. *Session*, chap. 19, wherein Kings are forbidden to permit single combat, was one. The Councell of *Trent* (say they) doth excommunicate, and deprive a King of the citie, or place, wherein he permitteth to fight single combat. This article is against the authoritie of the King, who cannot be deprived of his temporall dominion, in regard whereof he acknowledgeth no Superiour at all.

13. Secondly, *Petrus Pirhaus*, a man, as *Possene* <sup>x</sup> affirmeth, truly learned, and a diligent searcher of antiquitie, in his booke of the liberties of the Church of France, printed at *Paris* by the authoritie of the Parliament in the yeare 1594, doth out of a generall maxime, which *Francey*, as hee saith, hath euer approued as certaine, deduce this particular position. The Pope cannot giue as a pray the kingdome of France, or any thing appertaining thereunto, neither hath hee power to deprive the King thereof, or in any other manner to dispose thereof. And notwithstanding any admonitions, Excommunications, or Interdicts, which by the Pope may be made, yet the subiects are bound to yeeld obedience due to his Maies- tie for temporals, neither therein can they be dispensed, or absolved by the Pope. Which words if we diligently consider, as also that protestation of the thirteene Priests, wee shall finde, that the principall branches of this oath, against which Cardinall *Bellarmino*, *Gretzer*, *Lessius*, and *Becanus* doe take so great exception, are in them comprehended: to wit, that the Pope hath not any power to depose the King, or to dispose of his temporall dominions, and that notwithstanding any Excommunication,

<sup>a</sup> In the Decrees of the Church of France, compiled by *Laurence Bochellus*, tit. 20 pag. 917.

<sup>x</sup> In *Appaiatu verbo*, *Petrus Pirhaus*.

<sup>y</sup> To wit, because the greater part of France, from which denomination is takē, did approue it.

tion, or sentence of deprivation, I will beare faith, and true allegiance to his Maiestie, and will defend him to the uttermost of my power, &c. and that from this the Pope hath no authoritie to absolve me, and therefore without all doubt I may renounce all pardons, and dispensations to the contrarie.

14. If therefore that be true, which Nauarre an excellent Diuine, and most skilfull in the Canon law, as Posseuine affirmeth<sup>z</sup>, doth write, to wit, that although in the contentions, or external Court regularly many things are to be obserued, that one may follow an opinion, which is in controuersie among Doctores, yet in the Court of conscience to this effect that we shall commit no sinne, it is sufficient to chuse his opinion for true, whom for good cause we thinke to be a man sufficiently learned, and of a good conscience, how much the more may an vnlearned man, according also to the doctrine of Gabriel Vasquez, which beneath we will set downie, prudently perswade his conscience, that this branch of the oath, to wit, that the Pope hath not power to depose our King, is true, which not one only learned, and vertuous man, but very many doe allow, and who also haue diligently read, examined, and abundantly satisfied all the arguments, which their Aduersaries haue deduced out of holie Scriptures, ancient Fathers, Decrees of Popes, and Councils, and other Theologicall reasons against the same?

15. And although very few, whose writings are now extant, in comparison of others, who defend this temporall power of the Pope, are to be found, who denie his authoritie to depriue Princes of their kingdomes, this neuerthelesse ought not greatly to moue any man, sith that heretofore<sup>a</sup> I haue alleaged many reasons for this purpose, which now to repeate againe I think it not to be altogether superfluous. Thus therefore I wrote in the place before cited.

Neither ought any man to meruaile, that this opinion,  
Which

<sup>z</sup> Verbo Martinus ab Alpizcucta.

<sup>a</sup> In my Apologie nu. 449.

which defendeth the Popes temporall authoritie, hath taken so deepe roote in the mindes euen of the most learned; partly for that from the very beginning of this contro-  
uersie the Pope wanted no flatterers, (as neither at this day he doth want) who either for hope of game, or desire of preferment, or for fauour, or feare<sup>b</sup> of him, would ad-  
uance his authoritie more then is fitting: partly for that the reasons, and arguments, whereon this temporall au-  
thoritie of the Pope, in regard of spirituall good is gron-  
ded, doe make a great shew of probabilitie to them, who do  
not exactly consider the whole matter: partly for that, al-  
though there euer haue been, and also at this present are,  
very many vertuous and learned men, who are of the con-  
trary opinon, neuerthelesse, for feare of incurring the  
Popes displeasure, or giuing any occasion to wicked Prin-  
ces to afflict the Church more freely, or to liue more licen-  
tiously, who seemed with this temporall power of the Pope,  
as with a bridle, to be more easily kept in good order, they  
thought it more expedient to passe ouer this present con-  
trouersie with silence, and lest they should giue any scan-  
dall to the weake, onely to conceale, but not to denie the  
truth: partly, for that Popes are not accustomed willing-  
ly to permit, that the facts, or opinions of their Predeces-  
sors, which doe fauour the Papall authoritie, should either  
be impugned, or called in question.

16. And therefore both the Pope himselfe, and other  
ordinary Bishops, and Inquisitors against heretikes are  
very carefull, that no bookes, which doe seeme to derogate  
any way from the Popes authoritie, be published; and if  
they be already published, that either they be altogether  
suppressed, or be read by no man without speciall license,  
(and that obtained in writing) vntill they be corrected.  
And so it is a most hard matter especially in these daies,  
either to finde in Catholike bookes any one sentence, or  
clause, which seemeth any whit at all to call in question

who doe amplifie his authoritie, and depresse them, who doe speake against the  
same. Thus writeth Ioannes Papiensis de potest. Regia, & Papali cap. 21. ad 41.

<sup>b</sup> For to say that so worthie men, among whom some also were Popes, did write against their conscience in fauour of Princes, or for feare of them, is to stretch forth his mouth into heaven. For contrariwise it might be said more probably that those Do-  
ctors, who doe so vnmeasurably aduance the Popes authoritie, doe speak for feare, or fauour of him, seeing that they are Ecclesiasticall persons, who may by him get greater preferment. And especially, sith that they say (although not well) that the Pope doth graciously embrace them,

See in what manner *Auber-  
tus Myraus*, a  
Canon of *Ant-  
werpe*, hath in  
*Sigebert*, an an-  
cient writer,  
lately set forth  
by him, & prin-  
ted at *Antwerp*,  
especially in  
the yeare 773.  
and 1111. cut  
off, added, chā-  
ged whole sen-  
tences concer-  
ning the ele-  
cting of Popes,  
and the inue-  
sting of Bi-  
shops, granted  
to the Emperours.  
And if in an-  
cient writers  
these men dare  
presume to  
correct in this  
manner, how  
much the more  
may we ima-  
gine that they  
will doe the  
same in mo-  
derne writers?  
Through  
the Printers  
fault it is in my  
Latine copy by  
the Emperours.  
<sup>d</sup> *De Authori-  
tate Ecclesie*  
cap. 3. in princi-  
pio, who taketh  
it out of *Occam*.

the Popes temporall authoritie, or else to know certainly, what the Authors of bookes doe thinke concerning the aforesaid authoritie, but rather what opinion the Correctors, and Censours of bookes doe follow, seeing that the Authors are oftentimes against their wils compelled to speake, and to deliuer their opinion not with their owne, but with these mens words.

17. And to confirme what I haue said, daily experience<sup>c</sup> can yeeld innumerable examples, among which it shal at this time suffice one only to relate, concerning a very learned man, who sending to certaine men an excellent worke of his to be printed by their meanes, wherein hee plainly signified, that he was of this opinion, that the Pope by Christs institution had neither directly, nor indirectly any temporall dominion, and therefore no authoritie to depriue Princes of their kingdoms: when *his booke*, if it may be called *his*, which was so much changed from *his*, was printed, and sent him back againe, he found it so chopped, and changed, as if now hee should only affirme, that the Pope had no direct dominion in temporals, nor any direct power to dispose of Princes dominions. And therefore it is no meruaile, that this opinion, for the Popes power to depose Princes, hath so many, and the contrarie so few Patrones, and Supporters. But if his *Holineesse* would be pleased to giue leaue to learned Diuines and Lawyers, to speake plainly their mindes, without danger of incurring his displeasure, and would compell them, as *Almaine*<sup>d</sup> saith, by oaths, and horrible threatnings to declare sincerely what belongeth to the fulnes of the Ecclesiasticall power, I doe not doubt, but that a very great number of learned Catholikes would forthwith shew themselves, and in publike writings would cleerely teach, that this doctrine for the Popes power to depose Princes is not certaine, without all controuersie, and to be held of faith, as Cardinall Bellarmine and some few others doe vehemently affirme, but that the contrarie

trarie opinion may *without any danger of heresie, error, or any other crime* be probably maintained.

18. But because there is small hope, as I am perswaded, to finde out the truth by this way, I know no other remedie at this present, but humbly to request his *Holinesse*, and those, whom it doth concerne, that, vntill the Church hath cleerely defined the matter, (for I doe not thinke, that the vncertaine collections of Card. *Bellarmino*, or of any other Doctor, although he be most learned, out of the holy Scriptures, Councels, or Decrees of Popes, are to be accounted Ecclesiasticall definitions) they will permit, that this most difficult, and weightie controuerſie, the ignorance whereof may breede either perpetuall amitie, or discord betwixt temporall Kings, and Clergie men, may modestly, peaceably, and without contumelious speeches, by learned Diuines bee with solid arguments disputed on both sides; and withall, that vertuous, and skilfull Diuines, who both for their singular learning are able to finde out the truth, and being once found, will also for their true zeale, and loue of God, without any humane respect defend the same, will endeouour to haue alwaies before their eyes this notable sentence of most learned and deuout *Gerson*: *The second truth, saith Gerson, is, that the Popes sentence binderh all men not to dogmatize the contrarie, vlesse by them, or among them, who doe perceiue a manifest error against faith, and doe know, that, vlesse they oppose themselves, there will by their silence arise a great scandall vnto our faith. And if there be any prosecuting of censures, and punishments against them, let them know, that blessed are they, who suffer persecution for iustice sake.*

19. Neuerthelesse, I do not by this intend to auerre, that this doctrine, for the Popes power to depose Princes is contrarie to faith, or saluation; seeing that it is, and hath been defeaded by so many, and so worthie Diuines; but this only I doe now affirme, and I do constantly

• In his treatise *De examinatione doctrinarum* §. *Secunda veritas.*

stantly think it to be most true, that the opinion, which with such might and maine doth maintaine that the aforesaid doctrine, for the Popes power to depriue Princes, is *certaine, without controuersie, to be beleueed as a point of faith*, and that it cannot be *impugned by any Catholike, without denying the Catholike faith*, (which is not the common opinion of Catholike Diuines, but proper and peculiar to Cardinall Bellarmine, and some few others, and which with all their might, by right and by wrong, by arguments, and reprochfull speeches they endeavour to maintaine) is, I speake it alas with griefe, a very great scandall to Catholike Religion, and will by all likelihood breed a great dissention betwixt the Clergie, and the Laitie, and that therefore it ought by euery man, who desireth true peace, and vnitie betwixt the holy Church of Christ, and the earthly kingdomes of this world, with all diligence to be contradicted.

## Sect. IIII.

f Nu. 27.  
g Pag. 44.

1. **F**ourthly, it is obiected by *Lessius* f, as also we may perceiue by his *English Recapitulator* g, against those words [*nor by any other meanes with any other*] wherein all power to depose Kings is absolutely denied, and consequently it is virtually affirmed, that neither the Pope, nor the ciuill common wealth hath in any case whatsoever any authority to depose the King, which seemeth in many mens iudgements to be repugnant to naturall reason, and to the principles of morall philosophie. And therefore this question of deposing Princes by the authoritie of the common-wealth, being at the least uncertaine, and in controuersie among Catholikes, the very same arguments, which haue been before obiected against the former clause of this branch, concerning the Popes authoritie to depose Princes, may in like manner be vrged against this clause of the oath.

2. To this obiection it is answered first, that concerning



ning this question, which is rather a morall, and politike, then a Theologicall controuersie, many learned Diuines are of opinion, that the ciuill common-wealth hath no authoritie at all ouer their Soueraigne Prince, and that a Supreme temporal Prince cannot be iudged, and punished with temporal punishments, but by God alone, whose opinion to condemne as *temerarious*, and improbable, without doubt were great *temeritie*. Seeing therefore that this question is probably disputed on both sides by Catholike Doctours, the very same *Answers*, which before were giuen to the former objections, concerning the Popes power to depose Princes, may be also applied to this objection, concerning the power of the ciuill common-wealth to depose their Soueraigne: to wit, that also an vnlearned man may by extrinsecal grounds, that is to say, by reason of the authoritie of prudent, and learned men, securely perswade himselfe, that the ciuill common-wealth hath no authoritie at all ouer their Soueraigne & absolute Prince, and also that this his perswasion, acknowledgement, and declaration, he may with a safe conscience, if neede require, confirme by oath: And so of the rest.

3. *Secondly*, it is answered, y<sup>e</sup> in this second branch of the oath I doe not absolutely acknowledge, testifie, and declare, that the ciuill common-wealth hath no authoritie to depose the King; but if in those words [*nor by any other meanes with any other*] wee must needs comprehend also the ciuill common-wealth, at the farthest I doe acknowledge, that the Pope neither by meanes of the common-wealth, nor with the common-wealth, hath authoritie to depose the King; which proposition verily is most true, so that we suppose, that no authoritie hath been hitherto granted to the Pope to depose absolute Kings, and Princes. For otherwise we should also by these words expressly acknowledge, that the Pope hath authoritie to depose the King, which neuerthelesse wee haue before denied. As for example, this

proposition, *A stone by meanes of a man, or with a man, hath power to vnderstand*, is most false. For although a man be indued with the power of vnderstanding, yet a stone neither without a man, neither with a man, neither by meanes of a man can vnderstand. For this preposition *by*, or *by meanes*, doth signifie a secondarie, or instrumentall cause, which supposeth a principall, as a man is said to see by meanes of his corporall eye: but this preposition *with*, doth import vsually a concurrence, or cooperation of two causes, as *Socrates* with *Plato* doth draw a boate. In like manner, although it were granted, that the ciuill common-wealth hath power in some case to depose their Prince; yet it doth not therefore follow, that the Pope either with the common wealth, or by meanes of the common-wealth, hath also authoritie to depose their Prince: for so the Pope himselfe, as a chiefe and principall cause, should also haue power to depose a Prince, which neuertheless hath not been hitherto by any man sufficiently proued. As also no man can deny, but that this proposition is most true, *A stone neither with the common-wealth, nor by meanes of the common-wealth, hath authoritie to depose a King.* And although betwixt the Pope and a stone there is great difference in this, that a stone is not capable of such a power, and therefore neither hath, nor can haue any power to depose Princes, yet if we speake onely of the actuall power to depose, it is manifest, that there is no difference at all betwixt them, ifso be that wee suppose, that the Pope hath not as yet any such authoritie granted him. Those therefore, that thinke this oath to be vnlawfull, by reason of the aforesaid words, doe not seeme, in my iudgement, with any sufficient reason to be moued thereunto, for that neither the power of the common-wealth to depose the King is herein denied, neither can that opinion, which denieth such a power to be in the common-wealth, by reason of the authoritie of such famous Doctors, who doe approue it, and for the

the reasons, which doe moue them to approue it, be for any sufficient ground drawne from the principles either of Philosophie, or Diuinitie, without great *temeritie*, be condemned as *temerarious*, and improbable.

## Sect. V.

1. **T**He *fifth*, and last obiection may be made against those words [*or to authorize any forraine Prince to invade, or annoy him, or his countries, or to discharge any of his subiects of their allegiance,*] For it is well knowne, that the Pope is not only a spirituall, but also a temporall Prince, and that he hath other inferiour Princes subiect to him in temporals: *Therefore he hath as ample authoritie temporall, as any other temporall Prince whatsoener; but if a King doth any notable wrong to another Prince, or his subiects, for repairing, or reuenging of which wrong he may iustly, and lawfully wage warre against that King, the Prince wronged hath power to authorize other inferiour Princes, who bee his subiects, to beare armes, and to invade the countries of that King: Therefore the Pope, if hee should receiue any great losse and damage, by meanes of our King, which cannot be auoided, or recovered but by warre, may authorize, and giue leaue to forraine Princes, who be his subiects, to annoy him, and to invade his Countries; and therefore no Catholike can with a safe conscience take this oath vnder this generall forme of words.*

2. To this obiection it is easily answered, to wit, that the aforesaid clause of the oath, as also all the rest, which make mention of the Popes power to depose the King, to discharge subiects of their allegiance, and to absolve from this oath, are, according to the visuall and proper meaning of the words, and according to the expresse mind of the Law-maker, to be vnderstood of the Pope, as he is Pope, and the spirituall Pastor of our soules, and not as he is a temporall Prince. Neither doth the King,

and Parliament in this oath intend to denie; that the same power to beare Armes, wage warre, and inuade Countries, which belongeth to all other secular Princes, is also granted to the Pope, as he is a secular Prince.

3. *Lastly*, against that clause [*or to discharge any of his subiects of their allegiance, and obedience to his Maieftie*] I cannot see what other thing can bee objected, then which before hath been objected against the former clauses. For it is most certaine, as Cardinall *Bellarmino*<sup>b</sup> himselfe in expresse words acknowledgeth, that *Subiects are bound by the law of God*, wherein the Pope hath not authoritie to dispense, to beare true faith and allegiance to their lawfull Prince; <sup>i</sup> And therefore if it be lawfull to acknowledge, professe, and declare, and this declaration to confirme by oath, that the Pope hath no authority to depriue a King, or which is al one, to make a King no King, it necessarily followeth, that the Pope hath not authoritie to discharge subiects of their allegiance, and obedience, which by the law of God and nature they owe to their lawfull King.

<sup>a</sup> Infr. de potest. Papæ contra Guliel. Barclayum cap. 21. pag. 302  
<sup>b</sup> Neither is it necessarie to adde with Cardinall *Bellarmino* that redemption is long as he is Prince, for there is no man so ignorant as to imagine, that obedience is by the law of God due to a Prince, whē he is no Prince.

### CHAP. IIII.

#### *The third branch of the Oath.*



*Also I do sweare from my heart, that notwithstanding any declaration, or sentence of Excommunication, or deprivation made, or granted, or to be made, or granted by the Pope, or his successors, or by any authoritie deriued, or pretended to be deriued from him, or his Sea, against the said King, his Heires, or Successors, or any absolution of the said subiects from their obedience, I will beare faith, and true allegiance to his Maieftie, his Heires, and Successors, and them will defend to the uttermost of my power, against all Conspiracies, and attempts whatsoever, which shall be made against his, or their persons, their Crowne and*

and dignitie, by reason, or colour of any such sentence, or declaration, or otherwise, and will doe my best endeavour to disclose and make knowne unto his Maieshie, his Heires and Successors, all Treasons, and traitterous conspiracies, which I shall know, or heare of, to be against him, or any of them.

Sect. 1.

1. **A**gainst this branch three obiections are commonly made. And first Card. Bellarmine<sup>a</sup>, Gretzer<sup>b</sup>, and Lessius<sup>c</sup>; as also his English Recapitulator<sup>d</sup> relateth, doe object, that in those words [*notwithstanding any sentence of Excommunication, I will beare faith, and true allegiance to his Maieshie, &c.*] is plainly denied the Popes power to excommunicate euen hereticall Kings. For how can a Catholike (saith Cardinall Bellarmine) sweare lawfully, and iustly not to obey the Pope excommunicating an hereticall King, unless hee beleue that an hereticall King cannot bee excommunicated by the Pope? And Gretzer<sup>b</sup>, without any prooffe at all, supposeth as manifest, that in the aforesaid words the Popes power to excommunicate Kings is denied. But Lessius, foreseeing what may be answered to the aforesaid argument of Cardinall Bellarmine, preuenteth the answer in these words: *You will say, saith Lessius his Recapitulator, that the power to excommunicate is not here denied, but onely a certaine effect of excommunication, which is, that notwithstanding a Prince be excommunicated, yet shall nor his subiects be released from the bond of their allegiance. But this effect doth necessarily follow the sentence of Excommunication, as the practise of the Church for the space of more then twelue hundred yeeres doth shew, which this Author [Lessius] hath evidently proued in other places of his booke.*

2. To this obiection we answer, that the Popes authority to excommunicate the King is not in the aforesaid

<sup>a</sup> In Respons. ad Apologiam pro Iuramento &c. printed at Colleen 1610. pag. 9.

<sup>b</sup> In Commēt. Exeget. cap. 6. arg. 1. 2. 3. 4. Nu. 118.

<sup>d</sup> Pag. 53.

e Pag. 9.

f In the place  
now cited.g In the Cata-  
logue of the  
lyes of Tortus,  
nu. 1.h In his Apo-  
logie chap. 15.  
in the first lye.

said words denied, but rather granted, and supposed, as also the *Kings* most excellent *Majestie* in his Premonition to all Christian Monarchs doth in expresse words auerre<sup>e</sup>. For in this branch it is only vrtually denied, that Excommunication, being a spirituall censure, worketh this temporall effect to depriue Princes of their temporall kingdomes, and dominions, or, which is all one, to make lawfull Kings no Kings, and consequently to absolue subiects from their temporall obedience, which, according to the doctrine of Cardinall *Bellarmino*, is by the law of God due to all lawfull Kings. *The truth is*, saith his *Majestie*, <sup>f</sup> *that the Lower house of Parliament, at the first framing of this oath, made it to containe, that the Pope had no power to excommunicate me; which I forced them to reforme, onely making it to conclude, that no excommunication of the Popes can warrant my subiects to practise against my person, or State; denying the deposition of Kings to be in the Popes lawfull power, as indeede I take any such temporall violence to be farre without the limits of such a spirituall censure, as excommunication is. So carefull was I, that nothing should be contained in this Oath, except the profession of naturall allegiance, and ciuill, and temporall obedience, with a promise to resist to all contrary vnciuill violence.*

3. Now let vs examine how sufficiently Cardinall *Bellarmino* replieth to this answere of his *Majestie*. For whereas his *Majestie* <sup>g</sup> had charged *Matthaus Tortus*, or Cardinall *Bellarmino*, whose booke at that time went vnder *Tortus* his name, with lying, for that he had affirmed, *that in the oath of Allegiance the Popes power to excommunicate euen hereticall Kings, is expressely denied*; Seeing that, saith his *Majestie*, *the point touching the Popes power in excommunicating Kings is neither treated of, nor defined in the oath of Allegiance, but was purposely declined*: which his *Majestie* in his Premonition had before more at large declared, Card. *Bellarmino* <sup>h</sup> to this answere replieth in this manner:

4. *The*



4. The Author of the booke did not write, that in the oath of Allegiance the question touching the Popes power in excommunicating Princes is treated of, or properly defined; for he knew well enough, that in the tenour, or forme of an oath there is no place to dispute Theologicall questions. But he affirmed, that in the aforesaid oath is denied the Popes power to excommunicate euen hereticall Kings: And that this is true, it is euident by those words of the oath; Also I doe sweare from my heart, that notwithstanding any declaration, or sentence of Excommunication, or depriuation made, or granted, or to be made, or granted by the Pope, or his Successors, &c. I will beare faith, and true allegiance to his Maiestie, his Heires and Successors. But who soeuer sweareth, that he will obey an hereticall King, notwithstanding the Popes Excommunication, doth not hee together sweare that hee acknowledgeth not in the Pope, power to excommunicate hereticall Kings? for otherwise it were not an oath, but sacriledge to sweare, that he will not obey the sentence of excommunication made by the Pope against an hereticall King, if he should beleue, that the Pope had power to excommunicate hereticall Kings.

5. But this answere of Cardinall Bellarmine, with reuerence to so worthie a man, is of no force at all. For, (besides that hee too rigorously wresteth that word, [treate of] as though his Maiestie, affirming that the question concerning the Popes power to excommunicate was not treated of in this oath, should vnderstand a Theologicall Treatise, or Disputation, whereas it is most euident, that the true meaning, & intention of his Maiestie, is, that nothing at all concerning the Popes power to excommunicate, is either affirmed, or denied in this oath, but all mention of the aforesaid power was purposely declined) his answere is neither true, neither, if it were true, doth he thereby cleere himselfe at all of that falsehood, wherewith his Maiestie doth charge him. For why, I pray you? cannot one, either moued for

for hope of gaine, or terrified with feare, sweare that he will not obey a iust excommunication, and by so swearing commit sacriledge, who neuerthelesse doth not denie the power it selfe to excommunicate? How therefore doth Cardinall *Bellarmino* out of those words, *notwithstanding any Excommunication I will beare allegiance to his Maiestie*, or, to speake more plainly, *notwithstanding a iust Excommunication, I will not obey it*, rightly deduce, that I therefore, so much as obscurely doe denie the power to excommunicate? But Card. *Bellarmino* answereth, *that whosoever sweareth in that manner, either denieth the power to excommunicate, or committeth sacriledge*. Be it so. But if his *Maiestie* would freely grant him this second, this neuerthelesse granted; I can in no wise perceiue how he excuseth himselfe from falsitie, in that he before not with any disunction, but absolutely pronounced, *In this branch the Popes power to excommunicate euen hereticall Kings is expressely denied*.

6. Secondly, neither is that true, which Cardinall *Bellarmino*, vnder the aforesaid disunction, doth inferre, to wit, that by swearing this branch, either the Popes power to excommunicate is abiured, or sacriledge committed. For he that sweareth, that notwithstanding any sentence of excommunication to be made against the King, yet hee will beare to his *Maiestie* true faith, and obedience in temporals, although hee doth sweare, that hee will obey the King though he be excommunicated, because Excommunication hath not power to depriue Kings of their temporall dominions, and to take away the temporall obedience of the subiects, as very learned Diuines, whom heretofore I haue cited, doe affirme, yet he doth not sweare, that hee will not obey a iust Excommunication, as Cardinall *Bellarmino* doth ill conclude. For although he beleeueth, that the Pope hath authoritie to excommunicate hereticall Kings, yet he doth not beleue, that Excommunication,

<sup>i</sup> In my Apologie nu. 346.

municatio<sup>n</sup>, being a spirituall censure, worketh this tēporall effect, to depriue hereticall Princes of their Regall authority, to make kings to be no kings, or to take away from subiects their natural and ciuill obedience, which by the law of God, according to Card. Bellarmine<sup>k</sup> opinion, they owe euen to hereticall Kings, so long as they remaine Kings, no whit lesse then to Catholikes.

7. Finally, that, which Lessius affirmeth, *that the absolving of subiects from the bond of their allegiance is an effect, which is necessarily annexed to the sentence of Excommunication, as the practise of the Church, for the space of twelue hundred yeares, and upwards, doth shew, is altogether vntrue.* For by no practise at al of the Church can it be shewed, that the absolving of subiects from the bond of their allegiance, which by the law of God is due to absolute Princes, is an effect of Excommunication, but at the most another punishment, although sometimes imposed together with Excommunication, as Suarez, Becanus, and many other Diuines, whom herefore<sup>l</sup> I haue related, do in expresse words acknowledge; (concerning which punishment, whether it may for any crime be imposed by the Popes authoritie vpon absolute Princes, or only vpon inferiour Princes by the consent of absolute Princes, to whom they are subiect in temporals it is now a controuersie among Diuines;) And very lately Becanus writeth<sup>m</sup> in this manner: *It is one thing to excommunicate a King and another thing to depose him, or to depriue him of his kingdome, neither is the one necessarilie connected with the other. Many Kings and Emperours haue been excommunicated, and yet not therefore deposed; and contrariwise many deposed, and yet not therefore excommunicated.* Now that subiects cannot be absolved from their allegiance, vnlesse the Prince be also depriued of his Regall authoritie, we haue now but a little before cleerely shewed out of the doctrine of Cardinall Bellarmine, who expressly affirmeth, *that to denie obedience to a Prince, so long as he*

I

remaineth

<sup>k</sup> Before cap. 3. sect. 5 nu. 3. where also we obserued, that the aforesaid reduplication added by Cardinall Bellarmine, *so long as they remaine Kings* is superfluous.

<sup>l</sup> In my Apologie nu. 346.

<sup>m</sup> In controuersia Anglicana cap. 3 q. 2. pag. 108. and in the same corrected pag. 122.

*remaineth Prince, is repugnant to the law of God, from which the Pope hath no authoritie to absolue. Behold therefore how well these most learned Diuines of the Societie of Iesus doe agree among themselues in assigning the chiefeft reason, for which this oath of Allegiance doth containe a flat deniall of the Catholike faith. And whether we English Catholikes for so weake and slender arguments, and wherein our most learned Adversaries do not agree among themselues, are bound to hazard our perpetuall libertie, and whole estate, with the viter ruine of our posteritie, and withall to be accounted by our Prince no faithfull subiects, I remit to the iudgement of the pious, and prudent Reader.*

8. *Lastly, who doth not perceiue, that the very same obiection, which the aforesaid three Doctors haue made against this third branch of the oath, to proue thereby, that this oath cannot be taken by any Catholike, without manifest abnegation of the Catholike faith, in the very selfesame manner may in the same expresse words be alleaged against those thirteene English Priests, and also against the kingdome of France, who, as we haue seene before, <sup>a</sup> doe constantly defend, that the Pope hath not power to deprive the King of France of his kingdome, and that notwithstanding any Excommunications, which by the Pope can be made against the aforesaid King, yet the subiects are bound to yeeld obedience due to the King in temporals, neither can they in this be dispensed or absolued by the Pope. See also how those thirteene English Priests, whom also before <sup>o</sup> we haue cited, did protest, that they would yeeld all obedience in ciuill causes to Queene Elizabeth, notwithstanding any authoritie, or sentence of Excommunication denounced, or to be denounced against the said Queene. For in the very same manner, and for the selfesame reason Cardinal Bellarmine might denounce against these, Here is cleerely denied the Popes authoritie to excommunicate Kings and Princes.*

<sup>a</sup> Cap. 3. sect. 3.  
nu. 13.

<sup>o</sup> Cap. 3. sect. 3.  
nu. 10.

Sect.

Sect. II.

1. Secondly, against that word [*Successors*] some object in this manner: *It may sometimes fall out, that a Successor is not a lawfull Heire, but an usurper. Seeing therefore that I am bound to take this oath according to the expresse words thereof, and according to the plaine and common sense of the same words without any equivocation, as in the seventh branch is expressely signified: and this word [Successor] signifieth in generall every Successor, either lawfull, or unlawfull; by verue of this clause I am bound to sweare to beare faith, and true allegiance to all his Maiesties Successors without limitation, and consequently to every his Successor, although he should be an usurper, therefore no Catholike can lawfully take this clause of the oath in these expresse words, vnesse to the word [Successors] this word [lawfull] be added.*

2. To this objection it is answered, that, although this word [*Successor*] doth in generall, and being taken by it selfe signifie every *Successor* either lawfull, or unlawfull, yet particularlie, and properlie, especiallie when it is placed in a law, it is commonly taken only for a lawfull *Successor*, and who rightfully succeedeth. Wherefore according to that rule before alleaged out of *Suarez*, and confirmed by the Ciuill law, to wit, that the words of a law must be taken in that sense, which is without default, this word [*Successors*] must in this oath established by his *Maiesties* law be limited only to lawfull *Successors*, and who, according to the lawes of the kingdome, doe succeed. For, as according to law, *id tantum possumus, quod iure possumus*: we can onely doe that, which we can doe by law: so according to law, hee only is accounted to succeed, who by lawful right doth succeed. Whereupon the Ciuill Lawyers doe define *Inheritance*, *q* to be a succeeding to all the right of a partie deceased, and an Heire, who succeedeth him in all his

¶ Cap. 1. sect. 3.  
du. 3.

¶ Leg nihil ff.  
de verbis  
signific.

right; without adding *lawfull succeeding*, or *lawfully succeedeth*, for that it is alwaies so to bee vnderstood, and therefore being necessarily supposed, it is not expressed, but altogether omitted in the definitions of an *Heire*, and of *Inheritance*. And whensoever in the common, or Statute lawes, or pragmaticall decrees of this kingdome any mention is made of the King, and his *Succeffors*, this word [*lawfull*] is but few times added, although alwaies it ought to be vnderstood: And therefore this word [*Succeffors*] in this branch of the oath is, according to the proper, vnuall, and ciuill, or legall signification of the word, to be taken only for *lawfull Succeffors*. I said *ciuill*, or *legall*, because it may fall out, that some word by extension, restriction, purification, or fiction of the law, may haue another euen proper signification, then it had at the first imposition thereof, as *death*, *sonne*, and many like words, which in the law are also properly taken, for a ciuill *death*, and an adoptiue *sonne*.

### Sect. III.

I. **T**Hirdly, some obiekt against those words [*And him, and them I will defend to the vttermost of my power, against all conspiracies and attempts whatsoeuer, which shall bee made against his, or their persons, their Crowne and dignitie, &c. and will doe my best endeuour to disclose, and make knowne vnto his Maiestie, his Heires, and Successors, all treasons and traiterous conspiracies, which I shall know, or heare of to be against him, or any of them.*]

For, say they, according to the present lawes of this Realme, it is Treason, and a Traiterous Conspiracie, and Attempt against his Maiesties Crowne and dignitie, to reuocile any man to the Pope, or to be reconciled, to be made a Priest beyond the Seas by the Popes authoritie, and afterwards to returne into this kingdome, and more-

ouer



ouer to deny, that the Kings Maiestie of England is supreme Governour in his kingdome euen in causes Ecclesiasticall: Therefore by vertue of these words I am forced to sweare to defend his Maiestie against all such reconcilings, and returnings of such Priests into this kingdome, and to disclose all the aforesaid Treasons, and Traitors to his Maiestie, which no Catholike by reason of his temporall, and ciuill obedience is bound to performe, and therefore this oath doth not containe only temporall allegiance, as his Maiestie pretendeth, but many other things, which are flat contrary to Catholike doctrine.

2. To this branch also of the oath may be reduced that obiection before rehearsed, which Gretzer made against those words [our Soueraigne Lord] contained in the first branch: As also the principal ground, whereon Antonius Capellus in his booke intituled, *Against the pretended Ecclesiasticall primacie of the King of England*, doth chiefly relie, to proue, that the obedience, which his Maiestie requireth of his subiects in this oath, doth to a Catholike exceede the bonds of ciuill obedience, innade the spirituall power of the Church, and is flat contrary to the Catholike faith, which by this argument he thinketh to demonstrate.

*Whosoever committeth fellonie, and treason, falleth from the allegiance, which is due to the King by the oath of Allegiance.*

But he, that will be reconciled to the Pope, he that will obey whatsoeuer authoritie the Romane Sea doth pretend, and to conclude, hee that refuseth the oath of the Kings Ecclesiasticall Supremacy, framed in times past by Queene Elizabeth is guiltie of fellonie, and treason:

Therefore, he that will not be a perpetuall enemy to the Pope, he that acknowledgeth whatsoeuer his authoritie, he that refuseth that impious oath of Supremacie, falleth from the allegiance due to the King by the oath of allegiance.

3. The Maior proposition cannot be denied. The King himselfe

Cap. 2. sect. 1. nu. 1. & seq.

Controuers. 1. cap. 2. pag. 30 & seq.

He is not reputed guiltie of treason, who refuseth the oath of Supremacie, vnlesse after it be three times tendered him, he shall refuse to take it.

himselfe proueth the Minor by his lawes made in this very same Session of Parliament, wherein this oath is commanded. For first, the King ordaineth, that no subiect of his shall depart the Realme to serue in the warres, vnesse he become bound by Obligation with two Suerties, not to be reconciled to the Pope, who doth otherwise, is accounted a Felon. Moreover, he is guiltie of high treason, that shall cause counsell, helpe, or be prinie to, that any person be reconciled to the Pope, or Sea of Rome, or shall procure that any one promise obedience to whatsoeuer authoritie of the Bishop of Rome. Neither will he haue these to haue their pardon, vnesse they shall first take two oathes, the one, of the Kings Supremacie, the other this of Allegiance.

4. The King himselfe therefore hath by his law proued the Minor proposition to wit, that he committeth felonie, and treason, who doth not sweare perpetuall enmitie with the Pope, who will obey him in any sort whatsoeuer, who refuseth to take the oath of Supremacie. How therefore can Catholikes with safetie of the Catholike faith, which they belecue, take this oath? If in this oath all friendship, all obedience, all power of the Pope be abiured, how can they take it without hurt to their soules? Wherefore it is cleerely false, as I thinke, that only ciuill obedience is demanded of English men in this oath, and that the spirituall power of the Pope, or the Catholike faith is no way touched therein; and that it is truly said by Tortus, that therein is abiured the Catholike faith, and all power of the pope no lesse then in the oath of Supremacie.

5. Moreover, reade the Kings Apologie, and euery man shall perceiue, that he bringeth the approuing, confirming, and calling of Councels to proue, that ciuill obedience is due to Kings. Wherefore, according to his Maiestie, ciuill obedience doth comprehend these, which truly no Catholike doth belecue to be ciuill things, or to belong to ciuill obedience. Wherefore his Maiestie cannot deny, but that vnder the name of ciuill obedience hee requireth

quireth of his Catholike subiects many things, which to a Catholike doe exceede ciuill obedience. Thus farre Capellus.

6. To this obiection it is answered first, that, although this word, *Treason*, or *Traiterous Conspiracie*, hath of late yeeres, according to the lawes of this Realme, been extended in some sort to certaine spirituall causes; yet according to the proper, formal, plaine, and vsuall signification of this word [*Treason*] it onely comprehendeth ciuill, and not spirituall causes. And although some spirituall causes bee punished with the ordinarie punishment of proper, and naturall *treason*, and in that respect may be called *treasons*, neuerthelesse truly, really, and formally they are not natural treasons, neither can they in any other manner be called treasons, then may whatsoeuer Secular crimes, as thefts, murders, adulteries, if they be forbidden by the Prince vnder the punishment of true and naturall treason. For true, proper, and naturall treason is of the same nature in all places, in all countries, and among all nations, and is forbid by the law of nature, and nations, although in diuers Countries, according to the custome of euery one it be punished diuers waies, with what kinde of punishment euery outrageous crime, if the Prince shall so ordaine, may be punished, and in that respect, taking it name from the effect, may be called *Treason*.

7. Secondly, and principally we answer, that, according to the rules before<sup>u</sup> alleaged, no humane law can haue greater force to binde, then the Law-maker intendeth it shall binde, and the words of a law are to bee taken in that sense, wherein the Law-maker declareth they are to be vnderstood. But both the King and Parliament doe plainly declare, what *treasons*, and *traiterous conspiracies* they intend shall be comprehended vnder those names, whiles in expresse words they affirme, that in this oath they intend nothing else, then the profession of naturall allegiance, and ciuill obedience,

which

<sup>u</sup> Cap. 1. Sect. 3.  
nu. 1.

\* In his Pre-  
monition p.9.

† Pag 46.

‡ Cap 4.

§ Cap.6. in the  
beginning.

which by the law of God and nature is due to all lawfull Princes, whatsoeuer Religion they professe, with a promise to resist, and disclose all contrarie vnciuill violence. So carefull was I, saith his Maiestie \*, that nothing should be contained in this oath, except the profession of naturall allegiance, and ciuill, and temporall obedience, with a promise to resist to all contrary vnciuill violence. And againe in his Apologie †, For as the oath of Supremacie (saith he) was deuised for putting a difference betweene Papists, and them of our profession: so was this oath, which hee would seeme to impugn, ordained for making a difference betweene the ciuilly obedient Papists, and the peruerse disciples of the powder Treason. And in the second Session of Parliament ‡ holden the third yeere of his Maiesties reigne, wherein this oath was deuised, in the Preamble to the oath thus it is written: And for the better triall, how his Maiesties subiects stand affected in point of their loyaltie, and due obedience, Be it also enacted, &c. Which loyaltie, and due obedience in the fourth Session of Parliament §, holden the seuenth yere of his Maiesties reigne, is in these words more cleerly expressed: Whereas by a Statute made in the third yeare of your Maiesties reigne, intituled, An Act for the better discovering, and repressing of Popish Recusants, the forme of an oath to be ministred, and giuen to certaine persons in the same Act mentioned, is limited, and prescribed, tending only to the declaration of such dutie, as euery true, and well affected subiect, not only by bond of Allegiance, but also by the commandement of almightie God ought to beare to your Maiestie, your Heires, and Successors, &c.

9. Seeing therefore that his Maiestie hath publicly and plainly declared, that he only requireth of his subiects the profession of naturall Allegiance, and ciuill, and temporall obedience, with a promise to resist all contrarie vnciuill violence, and purposely for that cause would not, that the denying of the Popes power to ex-communicate

communicate him should bee contained in this oath ; and the *Parliament* in like manner doth onely demand in this oath that obedience, which by the bond of allegiance, and the commandement of almightie God is due to his *Maiestie*, it is most euident, that those *Treasons*, and *traiterous conspiracies*, which by vertue of this oath wee are bound to disclose, and against which wee are bound to defend his *Maiestie*, are not spirituall reconcilings to the Pope, nor detecting of Priests, who doe not plot any temporall conspiracie, or vnciuill violence against his *Maiesties* royall person, Crowne, or dignitie; but onely such ciuill, or rather vnciuill *treasons*, and *traiterous conspiracies* are forbidden in this oath, and commanded to be disclosed to his *Maiestie*, which the law of God and nature doth oblige subiects, what Religion soeuer they professe, not to attempt against their lawfull Prince.

10. To comprehend therefore the whole matter in few words, two kinde of *Treasons*, or *traiterous conspiracies* may be distinguished; the one, true, naturall, and proper, which are forbidden by the law of nature, and nations, and are of the same nature in all Countries, and which are opposite to naturall allegiance; the other metaphoricall, positiue, and improper, which are made *treasons* onely by the positiue decree of the Prince, and onely for that cause are called *Treasons*, or *Traiterous Conspiracies*, for that they are punished with the punishment of true, and naturall *treason*. The former *treasons*, and *traiterous conspiracies* his *Maiestie* intended onely to comprehend in this oath of allegiance: Concerning the later *treasons*, and *traiterous conspiracies*, which are forbidden by other lawes, and oathes, his *Maiestie* did not intend to ordaine any thing at all in this oath.

11. From hence it is easie to answer to the obiection of *Capellus*. For if his *Maiores* proposition be vnderstood of true, proper, and naturall *treason*, and of that naturall

allegiance, and ciuill obedience, which by the law of God and nature is due to euery lawfull Prince, what Religion soeuer he professeth, and which onely, as hath now been shewed, his *Maiesstie* intendeth to demand of his subiects *in this oath*, then we doe willingly grant his *Maior*; For whosoever committeth such *treason*, whosoever offereth such vnciuill, or vnnatural violence to his *Maiesstie*, whosoever attempteth such *traiterous conspiracies*, falleth from the allegiance due to his *Maiesstie*, by *vertue of the oath of naturall Allegiance*: But then his *Minor* proposition is false; for he that will be reconciled to the Pope, he that refuseth the oath of the Kings Supremacie in causes Ecclesiasticall, &c. doth not commit naturall, or rather vnnaturall *treason*, doth not offer vnnaturall violence to his *Maiesstie*, neither doth he attempt vnnaturall, or vnciuill Conspiracies. For although the aforesaid reconcilings are by the later lawes of this Realme adiudged *Treasons*, and are punishable as true, and naturall *Treasons*, and therefore they may be called positieue *Treasons*, yet they are not true, proper, and naturall *Treasons*, which only by *vertue of this oath* we are bound to reueale, and against which onely by *vertue of this oath* wee are bound to defend his *Maiesstie*; neither are they contrarie to that naturall allegiance, which onely the *King* and *Parliament* doth require of vs *in this oath*. And so one may commit such *treasons* without falling from that naturall allegiance, which is due to his *Maiesstie* by *vertue of this oath of allegiance*, wherein only naturall allegiance is demanded of the subiects.

12. But if *Capellus* by the name of *Treason* doth in his *Maior* proposition vnderstand all sorts of *treasons* as well improper, and positieue, as true, and naturall *treasons*; then wee denie his *Maior* to be yniuersally true. For one may commit such *treasons* without falling from that allegiance, which is due to his *Maiesstie* by *vertue of this oath of allegiance*, wherein onely naturall allegiance



allegiance is required of the subiects, with a promise to resist all contrarie vnnaturall violence, and to disclose all such vnnatural treasons, and traiterous conspiracies, and to defend his Maiestie against them to the vttermost of his power.

13. Therefore neither hath the King proued the *Minor* proposition by his law, as vntruly affirmeth *Capellus*, neither hath *Capellus* proued it by argument, but as yet it remaineth to bee proued: And therefore his *Conclusion* is euidently false: to wit, *that in this oath all friendship, all obedience, all power of the Pope is abiured.* For that only friendship, that only obedience, that only power of the Pope is denied in this oath, which cannot stand with that naturall, and constant allegiance, which subiects by the law of God and nature doe owe to their Prince. And therefore neither is it truly said by *Tortus*, or *Capellus*, *that in this oath is abiured the Catholike faith, and all power of the Pope, no lesse, then in the oath of Supremacie.*

14. Wherefore, although we should grant to *Capellus*, that the Kings Maiestie, according to the principles of his Religion, which he embraceth, is of opinion, that many things doe appertaine to ciuill obedience, which according to Catholike doctrine doe not appertaine, (wherewith, as being imperrinent to that, whereof now we treat, I will not intermeddle) yet we vtterly denie, that his Maiestie in this oath of Allegiance (for of other oathes there is no question at this present) doth require of his Catholike subiects vnder the name of ciuill obedience, any thing, which to a Catholike doth exceede ciuill obedience: for that, as wee haue often said, he requireth of his subiects in this oath no other allegiance, then naturall, and which by the law of God and nature all subiects owe to their lawfull Princes, whatsoeuer Religion they shall profess.

15. And truly, if this manner of arguing, which *Capellus* vseth, were to be allowed for good and lawfull, it

<sup>b</sup> Cap. 2. sect. 1.  
nu. 7.

might by the very like reason bee proued, that it were not lawfull for any Catholike (the present lawes of this Realme standing in force) to take euen that oath of Allegiance, which in times past, when the Kings were Catholikes, was required of the subiects. For although Catholikes should only sweare in these general words, that they truly, and sincerely professe, testifie, and declare, that *King Iames* is true, and lawfull *King* of this kingdome, and of all other his *Maiesties* dominions, and that I promise to beare vnto him all true obedience and allegiance, *which no man doubteth but that it is lawfull to sweare*, as *Fa. Parsons*, and *Beeanm.* before <sup>b</sup> related, doe affirme, yet the selfesame argument of *Capellus* may in the very same words bee also vrged against this oath, as any man, though but meanelly learned, may cleerely perceiue; which truly is a manifestt signe, that the aforesaid argument of *Capellus* is in very deed fallacious, captious, and sophistickall, as wee. also haue sufficiently proued.

## CHAP. V.

### The fourth branch of the Oath.



And I doe further sweare, that I doe from my heart abhorre, detest, and abiure, as impious, and hereticall, this damnable doctrine, and position, That Princes, which be excommunicated, or depriued by the Pope. may be deposed, or murdered by their subiects, or any other whatsoener. Cardinal *Bellarmino*<sup>a</sup>, and *Capellus* doe reade, may be deposed, and murdered.

<sup>a</sup> In editione  
Politici & in  
Colonienfi  
anno 1610.

### Sect. 1.

I. **A**gainst this fourth branch three obiections are commonly made. And first some obiection against that word [*abiure*;] For, say they, this word [*abiure*] doth

doth import a recalling, or recanting of a former doctrine, which one before hath maintained, and therefore this branch cannot lawfully be taken by him, who neuer maintained such a doctrine. Seeing therefore that all his Majesties subjects indifferently, and without exception may be compelled by the Magistrate to take this oath, it is evident, that this branch cannot lawfully, and without periuire be taken by those, who neuer maintained this doctrine concerning the Popes power to depose, or murder Princes.

2. To this obiection it is answered, that although this word [*abinnare*, to abiure] be sometimes taken for to periuire<sup>b</sup>, or to forswear, yet though we turne ouer all the Dictionaries, wee shall neuer finde, that to *abiure* a doctrine, doth only signifie, to recant a doctrine, which one before hath maintained; but to denie, condemne, or detect by oath any doctrine, whether before he hath maintained it, or not. And although in rigour of speech this word [*to abiure*] should signifie to recant, or y<sup>e</sup> say by oath that doctrine, which before hee hath maintained, yet according to the plaine and common sense of this word, and according to the vsuall practise which is obserued in abiuring heresies, or errors, this word [*to abiure*] doth signifie to damne, deny, or detect by oath not only a doctrine, which before in very deede he hath maintained, but also which either he hath indeed maintained, or it is suspected<sup>d</sup>, that he hath maintained. And so the custome of the Inquisition is, that he who is either accused, or denounced before that tribunall for defending any heresie, must purge himselfe by abijuration, and he is compelled to abiure that heresie, whereof hee is denounced, or suspected, although perchance in very deede hee did neuer either by word teach it, or with heart beleue it. Whereof we may see some examples in the great Councell of *Chalcedon*. For in the eighth action Bishop *Theodoret*, who was suspected of heresie, was compelled publicly to anathema-

<sup>b</sup> *Abinnare* cre-  
detur, *to for-  
swear* his debt,  
apud Salust.

<sup>c</sup> *Simancas* in  
tit *abiure*; e;  
nu 1 & 2.

<sup>d</sup> *Simancas*  
nu. 18.

<sup>e</sup> Act. decima,  
in fine.

<sup>f</sup> Dogmata.

ize *Nestorius*, and all heretikes. And in the ninth, and tenth Action of the same Councell, Bishop *Iba*, who being accused of certaine errors, and found innocent, yet by reason of the suspicion, hee was compelled to say *o, I haue anathematized Nestorius, and all his peruerse opinions, and I doe now againe anathematize him ten thousand times, and I do anathematize euery one, who doth not hold, as this holie Synode doth.* Now that the King and Parliament, by reason of that horrible Gunpowder-treason attempted by some Catholikes, vnder pretence to aduance Catholike religion, had great cause to suspect, that also other Catholikes did maintaine the same damnable doctrine concerning the murdering of Kings, at leastwise by the Popes authoritie, which these Gunpowder-Traitors did defend, is alas, with griefe I speake it, too too manifest.

## Sect. II.

1. **S**Ecndly, against those words [*as hereticall*] some Diuines of this kingdome doe vehemently, and almost only obiect, in so much, that they are of opinion, that this onely branch is sufficient to condemne the oath as altogether vnlawfull. For they perswade themselves, that out of the most certaine principles of Logicke it may evidently bee conuinc'd, that this branch of the oath cannot be taken by any man without manifest periurie. And this objection (which *Leonard Lessius* <sup>g</sup>, as his English *Recapitulator* <sup>h</sup> doth relate, *Antonius Capellus* <sup>i</sup>, and another Englishman, in his answer to a certaine Proclamation published by his Maiestie <sup>k</sup>, doe briefly insinuate) is more largely, and strongly vr-ged by the Author of a certaine English Dialogue, [intituled, *The iudgement of Protestancie, and Puritanisme, both highly displeased at this passage in the oath*] wherein this Author with great confidence, as it seemeth, perswadeth himselfe, to haue cleerely demonstrated, that

<sup>g</sup> Nu. 219.

<sup>h</sup> Pag. 54.

<sup>i</sup> Controuers. 1

cap. 1. nu. 3.

pag. 34.

<sup>k</sup> Pag. 84.

that no Protestant, or Puritane, according to the principles of their Religion, can, without manifest periurie, take this branch of the oath. And this his pretended demonstration may in the very like manner be vrged against Catholikes.

This therefore is the summe, and substance of his demonstration, and of his whole Dialogue.

2. *No man can without periurie abiure that position as hereticall, which is not hereticall, but this position, That Princes, which bee excommunicated, or deprived by the Pope, may bee depofed, or murdered by their subiects, or any other whatfoeuer, is not hereticall: therefore no man can without periurie abiure it as hereticall.*

The Maior proposition hee supposeth as manifest. The Minor hee prooueth. But first hee supposeth two knowne grounds, and granted by all men. The first is, *That an oath consisting of diuers passages, parcels, or branches euery one affirming, or denying some thing, it is impossible the whole oath should be true. vlesse euery one of the said passages, parcels, or branches be true, and lawfull. For if any one parcell be false, before a man hath taken the whole, hee must needs haue sworne the falsehood contained in that part. And this vndoubted truth is founded vpon the common receiued principle, Bonum est ex integra causa, malum ex quocunq; defectu; That which is good proceedeth of a whole and entire cause, euill proceedeth from the least defect.*

<sup>1</sup> Cap. 2. pag 8.

3. The second supposition is, *That Heresie being an error against faith obstinately maintained in the vnderstanding of him, that professeth Christ, it must needes follow, that nothing can be hereticall, vlesse it containe some error against faith. So that although a position bee repugnant to naturall reason, yet it is not enough to make it hereticall, vlesse it containe some falsehood against faith, and consequently to the expresse word of God; which according to the Protestants doctrine, is the sole and only rule of faith, and the onely touchstone to trie faith from heresie.*

<sup>m</sup> Pag. 13.

heresie. *Many positions are false, as that London is but a mile distant from Torke, but not hereticall, because their falsehood is only repugnant to naturall reason, and is not contained in the expresse word of God.*

These being supposed, he argueth in this manner.

4. *Whensoever an affirmative proposition is hereticall, of necessity it must either be against faith, and consequently against the expresse word of God, or else the contradictorie negative must be a position of faith, and contained in the expresse word of God:*

*But neither this affirmative position, That Princes, which bee excommunicated, or depriued by the Pope, may be deposed, or murdered by their subiects, or any other whatsoeuer, is against the expresse word of God, neither the contradictorie negative, to wit, That Princes being excommunicated, or depriued by the Pope, may not be deposed, or murdered by their subiects, or any other whatsoeuer, is contained in the expresse word of God.*

*Therefore the former position, That Princes being excommunicated, or depriued by the Pope, may be deposed, or murdered by their subiects, or any other whatsoeuer, is not hereticall.*

5. *And if perchance it should bee answered, that, whereas it is written in the 20. chapter of Exodus, Thou shalt not kill: and 1. Reg. 26. Destroy him not, for who shall lay his hand on the Lord his annoynted, and bee guiltlesse? one part of the aforesaid position, to wit, That Princes may be murdered, is hereticall, and against the expresse word of God, and therefore the whole position, in regard of this one part, may be abiured as hereticall; yet this ansuere is not sufficient: For the position in hand to wit, That Princes being excommunicated, or depriued by the Pope, may bee deposed, or murdered by their subiects, or any other whatsoeuer, doth not absolutely affirme, that Princes, after they be excommunicated, or*  
deprived



deprived by the Pope, may be murdered by their subjects, or any other whatsoever, but with a disjunction, to wit, may be deposed, or murdered. And therefore, although the position were hereticall, if it did onely affirme, they might be murdered, yet not affirming this, but only that they may be deposed, or murdered, there is no shew of heresie in it in regard of being contrary to the aforesaid texts of Scripture, to which it is nothing contrary at all.

6. For according to the most true and approved rule of the Logicians, to make a disjunctive proposition, or any thing affirmed under a disjunction, to be false and hereticall, it is necessarie, that both parts of the disjunction be also false and hereticall, neither is it sufficient, that one only part be hereticall. And therefore although the second part of the disjunction, to wit, That Princes may be murdered, be hereticall, and against the expresse word of God, yet because the first part of the disjunction, to wit, That Princes, being excommunicated, or deprived by the Pope, may be deposed by their subjects, or any other whatsoever, is not hereticall, nor contrary to the expresse word of God, the whole disjunctive position cannot be in very deed hereticall, and therefore by no Protestant, or Puritane can it be abiured, as hereticall. And this is the summe and substance of the pretended demonstration of this Author, and also of his whole Dialogue.

7. The very selfe same argument, which this Author maketh against Protestants, and Puritanes, may in the very like manner bee alleaged against Catholikes, who hold, that the infallible rule of faith is the holy word of God deliuered by Scripture, or Tradition, and the true sense, and right meaning thereof declared so to be by the Catholike Church, vnto whom the infallible assistance of the holy Ghost, to declare the true sense and meaning of God his holie word, was promised by Christ our Lord. For neither out of holy Scripture, or Tradition, neither by any definition of the Church, or Generall Council, can it sufficiently be proued, that the

Pope hath not authoritie to depriue Princes, or that after they be depriued by the Pope, they may not be deposed by their subiects, or any other whatsoeuer, but rather by the continuall practise of Popes the contrary seemeth to be supposed for certaine, which also Cardinall Bellarmine, both in his Controuersies, and in his answer to Doctor Barcklay, doth endeuour (but in vaine) to demonstrate.

<sup>n</sup> Pag. 54. 55.

8. *Wherefore in this branch, saith Lessius, as his English Recapitulator<sup>n</sup> relateth, the doctrine of the Catholike Church is abiured as hereticall, and impious: For the plaine sense of the oath condemneth not only the opinion of murdering, but also of deposing; and he that taketh the oath, abiureth both the one, and the other. And were the sense ambiguous, yet could it not be taken, it being in a matter belonging to faith, wherein no equinocation, or ambiguous speeches may bee used. Whereby it is euident, that no man can from his heart detest this Catholike doctrine as impious, and hereticall, if hee be not himselfe already fallen deeply into heresie, and impietie.*

9. To this obiection two Answers are vsually made. The first, and principal answer is, that albeit the aforesaid proposition, *Princes, which be excommunicated, or depriued by the Pope, may bee deposed, or murdered by their Subiects, &c.* doth seeme by reason of that later coniunction [*or*] to be a disiunctiue proposition, or rather a Categorical proposition of such a *disiunct predicate*, as the Logicians terme it, which virtually doth imply, or may bee resolued into a disiunctiue proposition (to the veritie of which disiunctiue proposition is onely required, as it was said in the obiection, that one part of the disiunction be true, and to make the whole disiunction false, and heretical, both parts of the disiunction must be false, and hereticall, neither doth it suffice that one onely part be false and hereticall) Neuertheless, according to the common sense, and meaning of the words, it is in very deed, and according to our English

lish phrase, equiualent to a copulatiue proposition, or rather to a Categorical proposition of such a *copulate predicate*, which may bee resolued into a copulatiue proposition, to the veritie whereof, according to the Logicians rule, it is contrariwise required, that both parts of the copulation be true, and to make the whole proposition false, and hereticall, it is not required, that both parts of the copulation be false, and hereticall, but it sufficeth that one only part thereof be false, and hereticall. Neither is it vnusuall, that a coniunction disiunctiue be sometimes taken for a copulatiue, and contrariwise a copulatiue for a disiunctiue, as we may see in *leg. sape. ff. de verborum significat.* Whereof reade *Felix in cap. inter ceteras, extra, de rescriptis. Ioannes Azorius, tom. 1. Instit. lib. 5. cap. 25. and Salas disp. 21. de Legibus sect. 3. regula 26.*

10. But if any one will needes contend, that the aforesaid proposition, *Princes, which are excommunicated by the Pope, &c.* by reason of that disiunctiue coniunction [*or*] is indeede a disiunctiue proposition, this notwithstanding being granted, the obiection may easily be answered. For albeit we admit it to be a disiunctiue proposition, neuerthelesse we affirme, that it is not an absolute disiunctiue, whereof the aforesaid rule of the Logicians, to wit, *that both parts of the disiunction must be hereticall to make the whole disiunction to be hereticall,* is to be vnderstood, but it is a conditionall disiunctiue, which importeth a free choice, or election of the will, or, which is all one, a free power to chuse whether part of the disiunction we please; to the veritie of which conditionall disiunctiue is required, that you may chuse whether part of the disiunction you please; and if it be hereticall to affirme, y<sup>e</sup> it is in the free power of the will to chuse whether part of the disiunction we please, the whole disiunction, or disiunctiue proposition, implying such a condition, or free election, without doubt is hereticall.

11. Now that this disiunctiue coniunction [*or,*] being placed in the aforesaid proposition, doth in common sense, according to our English phrase, import a copulation, or such a disiunction, which leaueth a free power in the Subjects to chuse whether part they will, that is, to depose the King, or if they please, to murder him, will most euidently appeare, if both in common speech, and also in the lawes of the Realme, we diligently consider the proper, and vsuall signification of this word [*may*] when there followeth the coniunction disiunctiue [*or.*] And this may be shewed by almost innumerable examples, whereof some of them we will here set downe. As for example: *You may stay here, or depart. You may eate, or drink. You may buy in such a place wine, or oyle. You may haue in the shambles beefe, or mutton. You may goe to such a place by land, or by water. You may buy that land in fee-farme, or by lease. The King by vertue of an Act of Parliament may take of committed Popish Recusants twenty pounds for euery moneth, or the third part of all their lands. The Sherife may presently hang a theefe condemned to die, or delay his death for some small time. If any person hold any lands of any other Lord, then of the King, by Knights seruice, he may giue, dispose, or assure by his last will and testament two parts of the said lands holden by Knights seruice, or of as much thereof as shall amount to the full yerely value of two parts. If a man by his last will and testament ordaine, that his Executors may bestow twentie pounds upon the poore, or repaire such a bridge, it is in the free power of the Executors to chuse whether of those two they please. Finally, in clauses of renocation, where the words are, that one may by any dead in his life time, or by his last will and testament reuoke the said uses, and limit new, it is in his free power and choice to doe it by the one, or by the other; as he shall please. And in infinite such like examples the verbe [*may*] implieth a free power to chuse either part of the disiunctio one pleaseth, neither can there scarce-*

ly be alleaged any one example, wherein the coniunction disiunctive [or] immediatly following the verbe [may] is not so taken.

12. Wherefore the plaine and vsuall meaning of the aforesaid proposition, [*Princes, which be excommunicated, or deprived by the Pope, may be deposed, or murdered by their subiects, &c.*] or, which is all one, *Subiects may depose, or murder their Prince, being excommunicated or deprived by the Pope,* (for in this last the verbe passiue is onely changed into the actiue) is, that it is in the free choice of the Subiects to depose such a Prince, or, if they will, to murder him. So that if it bee hereticall to affirme, as without doubt it is, that it is in the free power of the Subiects to depose, or murder such a Prince, because it is hereticall, and against the expresse word of God to affirme, that they may murder him, the aforesaid position consisting of that disiunction is hereticall, and therefore it may without any danger at all of periurie be abiured as hereticall.

13. From hence it may be gathered first, that, according to the common, and vsuall vnderstanding of our English phrase, there is a great distinction betwixt these two verbs [may] and [can.] For [can] doth vsuallly signifie a power in generall, whether it bee naturall, or morall; but [may] for the most part importeth a morall power; to wit, if it be vsed alone without any coniunction following it, most commonly it signifieth a lawfulness to doe the thing proposed: As, *I may doe this*, signifieth, that it is lawfull for me to doe this: but if there follow it a coniunction copulatiue, or disiunctiue, it implieth a choice, or free power to chuse whether part of the disiunction, or copulation one will.

14. Seeing therefore that the Latine verbe [possum] implieth a power in generall, whether it be naturall, or morall, and according to the thing affirmed, or denied, it is limited to a natural, or morall power, as in this proposition, *Ignis potest comburere: The fire hath power to*

*burne,*

burne, it signifieth a naturall, and necessary power in the fire to burne; and in this, *Potest homo eligere bonum, aut malum*; *A man hath power to chuse good, or euill*; it signifieth a free, and morall power: from hence it followeth, that this proposition, *Subiects may depose, or murder their Prince, being excommunicated, or deprived by the Pope*, is not so properly, and significantly translated into Latine by the verbe [possum] *Subditi possunt deponere, aut occidere suum principem excommunicatū, &c.* as by the substantiue of [possum] or by the verbe *permittitur*, to wit, *in potestate est subditorum, or, permittitur subditis principem suum excommunicatum, vel deprivatum per pontificem deponere, aut occidere*: It is in the power of subiects, or, it is permitted to subiects to depose, or murder their Prince, being excommunicated, or deprived by the Pope. And therefore the Latine translation of this oath, doth not by the verbe [possum] sufficiently expresse the proper, and vsual signification of the verbe [may] contained in the aforesaid position, vnlesse either the coniunction copulatiue [and] be put in place of [may] to wit, *Principes per Papam excommunicati, vel deprivati possunt per suos subditos deponi & occidi, deposed, and murdered*, as Cardinall Bellarmine, and Antonius Capellus haue it in their bookes translated; or else there bee vnderstood a condition of the free will to chuse whether part of the disjunction one pleaseth, to wit, *possunt deponi per suos subditos, aut, si velint, occidi, be deposed, or if the subiects will, be murdered*.

15. Secondly, from hence it is also gathered, that in a disjunctiue proposition, wherein is implied a condition of the will, to chuse freely either part of the disjunction, it maketh all one sense, whether the coniunction copulatiue [and] or the disjunctiue [or] be vsed. For both of them doe signifie a free power to chuse which part one pleaseth: and so the coniunction disjunctiue hath in sense the vertue, and force of a copulatiue, and the copulatiue of a disjunctiue. Wherefore the ancient

Fathers,



Fathers, when they speake of our free will, and doe affirme, that it is in our power to chuse good, or euill, they vse indifferently the coniunction disiunctiue [or,] and the copulatiue [and,] sometimes affirming, that it is in our power to chuse good, or euill: other times, that it is in our power to chuse good, and euill. Yea Cardinal *Bellarmino* himselfe propounding in his Controuersies the question concerning free will, doth confound [or] with [and] and taketh them for all one. *There is a controuersie* (saith he) *betwixt Catholikes, and heretikes, whether a man in the state of corrupt nature hath free will to chuse morall good, [and] to auoide euill, or which is all one, to obserue, [or] breake morall precepts.*

16. Seeing therefore that in this proposition, *Princes being excommunicated, or deprined by the Pope, may be deposed, or murdered by their subiects*; or, which is all one, *Subiects may depose or murder their Prince, being excommunicated, or deprined by the Pope*, the verbe [may] doth import a free power in the subiects to chuse which part of the disiunction they please, that is, to depose him, or if they please, to murder him, it maketh all one sense, whether it be said, *Princes may be deposed, or murdered by their subiects*, or, *Princes may be deposed, and murdered by their subiects*; as Cardinal *Bellarmino* P. and *Antonius Capellus* 9, putting the coniunctio copulatiue [and,] doe seeme to haue well obserued, and to be of opinion, that the aforesaid disiunctiue proposition is in very deepe equiuallent to a copulatiue, or such a conditionall disiunctiue, which vertyually doth containe a copulatiue. And truly if this pretended demonstration of this Author were so euident an argument, as he imagineth it to be, to condemne this oath as sacrilegious, without doubt it could not haue escaped the most quicke vnderstanding of Cardinal *Bellarmino*, who also would not haue neglected to produce any reason, which might cleerely haue conuincd the oath to be apparantly vnlawfull.

o Tom. 4. lib. 5.  
cap. 13.

† In editione  
Politana &  
Colonienfi,  
printed 1610.  
9 Pag. 12.

17. Now from this which hath been said, it is easie to answer in forme to the aforesaid obiection, whose whole strength dependeth vpon the nature, and qualitie of a disjunctiue proposition.

Wherefore to the *Minor* proposition it is answered, that it is hereticall, and against the expresse word of God cõtained in the aforesaid two texts of holy Scripture, to affirme, that *Princes, which be excommunicated, or deprined by the Pope, may be deposed, or murdered by their subiects, or any other whatsoever*: or which is all one, that *Subiects, or any other whatsoever, may depose, or murder Princes, which be excommunicated, or deprined by the Pope*. For the plaine and common meaning of this proposition is, as wee haue shewed before, that it is in the free power of subiects, or of any other whatsoever, to depose such Princes, or if they will, to murder them, which proposition is flat hereticall.

18. And whereas it is obiected, that the aforesaid proposition, *Princes, which be excommunicated, &c.* is a disjunctiue, but to the veritie of a disjunctiue proposition it is sufficient, that one part of the disjunctiue be true, and to make the whole disjunctiue proposition to be false, and hereticall, it is necessarie, according to the most certaine rule of the Logicians, that both parts of the disjunctiue be false, and hereticall.

It is answered first to the *Maior*, that although in externall sound the aforesaid proposition, *Princes which be excommunicated, &c.* seeme to be a disjunctiue, yet in very deede, and according to the plaine and common vnderstanding of our English phrase, it is, as wee haue alreadie shewed, equiualent to a copulatiue, to the veritie whereof it is necessarie, that both parts of the copulation be true, and to make the whole copulatiue proposition to bee false and hereticall it sufficeth, that one only part of the copulation be false and hereticall. Now that one part of the aforesaid proposition, to wit, that, *Princes, which be excommunicated, or deprined by*  
the

*the Pope, may be murdered by their subjects, or any other whatsoeuer, is flat heretical, is too too manifest.*

19. But lest we should seeme to contend about the bare words, wee *answere secondly*, and grant that the aforesaid proposition, *Princes, which be excommunicated, &c.* is a disiunctiue: but then the *Minor* proposition is to be distinguished: For when the Logicians affirme, that to the veritie of a disiunctiue proposition it is sufficient that one part of the disiunction be true, and to make the whole disiunctiue hereticall, it is necessary that both parts of the disiunction be hereticall, that approved rule of the Logicians is to be vnderstood of an absolute disiunctiue, to wit, which doth not vrtually containe in it a condition, or free power in the will to chuse whether part one pleaseth: For to the veritie of this conditionall disiunctiue it is necessary, that both parts of the disiunction may be chosen, and if it be hereticall to affirme, that it is in the free choice of any man to chuse whether part of the disiunction he pleaseth, the whole disiunctiue proposition is hereticall. Now that it is hereticall to affirme, that it is in the free power of the subjects to depose, or if they will, to murder their Prince, being excommunicated, or depriued by the Pope, no man can call in question.

20. Neuerthelesse, the *Author* of this *Dialogue* doth seeme to deale somewhat cunningly, and endeoureth not so much to impugne directly the affirmatiue proposition, which is expressely contained in the oath, and to proue directly, that the aforesaid position, *Princes being excommunicated, &c. may be deposed, or murdered*, not to bee hereticall, as the oath affirmeth; but he flieth from the affirmatiue to the negatiue, and endeouoreth to shew, that the contradictorie proposition, to wit, *Princes being excommunicated, &c. cannot be deposed, or murdered, &c.* is not certaine of faith, nor contained in the expresse word of God; from whence he concludeth, that the former affirmatiue proposition,

position, which is in expresse words contained in the oath, is not hereticall; because in what degree of falsehood any position is false, in the opposite degree of truth the contradictorie must be true.

21. But this *Author* by his manner of arguing seemeth desirous to shun the difficultie, and to impugn a proposition, which is more cleere, and manifest, by another more obscure, and equiuocal, which among Logicians is accounted a great defect in arguing, whose nature is to *prone one thing lesse manifest by another more apparant*. For the falsehood of this affirmatiue position, *Princes, which bee excommunicated, or deprived by the Pope, may be deposed, or murthered by their subiects, &c.* or which is all one, *Subiects may depose, or murther their Prince, being excommunicated, &c.* is more cleere and manifest in the common vnderstanding of our English phrase, then is the truth of this negative, *Subiects may not depose, or murther their Prince who is excommunicated, &c.* by reason of that negative aduerbe [*not*] which, as the Logicians say, is of a malignant nature; for that it destroyeth, or denieth whatsoeuer followeth after it, making an affirmatiue to be a negatiue, and a negatiue to be an affirmatiue, an vniuersall to be a particular, and a particular to be an vniuersall<sup>r</sup>. So that the meaning of the aforesaid negatiue proposition is by reason of that negative aduerbe [*not*] made ambiguous, and may haue this sense, that *Subiects may neither depose, nor murther their Prince, being excommunicated, &c.* which proposition so vnderstood is not of faith, neither in very deed contradictorie to the proper and visuall meaning, according to our English phrase, of the former affirmatiue which is abiured in the oath. And therefore no meruaile, that this *Author* was desirous to flie from the affirmatiue proposition to the negatiue.

22. Supposing therefore, that *contradiction*, according to the approued doctrine of *Aristotle*<sup>r</sup>, is an affirming, and denying of the selfesame thing in the selfesame manner,

<sup>r</sup> As this vniuersall affirmatiue proposition, all men are sensible, is by putting not in the beginning, Not all men are sensible, made a particular negatiue.

<sup>r</sup> Lib. 1. de Interpret. cap. 4.

manner, we answere, that this negatiue position, *Princes, which be excommunicated &c. may not be deposed, or murdered by their subiects, &c.* is contradictorie to that affirmatiue position, which is abiured in the oath, if the verbe [*may*] be taken in the same manner, or sense in the negatiue, as it is taken in the affirmatiue: And then, that as the affirmatiue is heretical, so the negatiue is of faith. For as the sense of the affirmatiue is, as we haue shewed before, that it is in the free choice of the subiects either to depose their Prince being excommunicated, &c. or, if they will, to murder him, which is false, hereticall, and against those expresse words of Scripture, *Thou shalt not kill; Destroy him not, &c.* So the sense of the negatiue contradictorie must be, that it is not in the free choice of the subiects to depose such Princes, or if they please, to murder them; which proposition is most true, and contained in the expresse word of God, because it is not in their free power to murder them, as is manifest by the former places of Scripture. And this, which hath been said, is sufficient for any man, but of meane learning, to perceiue both the weakenes of this Authors pretended demonstration, or rather scarce probable argumentation taken from the nature and qualitie of a disiunctiue proposition, and also how rashly, and without sufficient prooffe, *Lessius*, as his English *Recapitulator* relateth, so barely affirmeth, *that in this branch the Catholike doctrine is abiured as hereticall, and impious, and that the plaine sense of the oath doth not only condemne the opinion for murdering Princes, but also for deposing them.*

23 And thus much concerning the first and principall answere to this second obiection. The foure next numbers 24. 25. 26. 27. which are in the Latine Edition concerning the nature, and conditions of copulatiue, and disiunctiue propositions, because they cannot easily be vnderstood by the vnlearneder sort; and also for that they are not very necessarie to the full vnder-

standing of this first answer to the former obiection, I haue in this English Edition purposely omitted.

28. *The second principle answer*, which some of our countrimen doe make to the aforesaid obiection, is gathered from the doctrine of Cardinall Bellarmine<sup>t</sup>, who expounding that sentence of Pope Gregorie the first<sup>u</sup>, *I confesse, that I doe receiue the foure first Councils, as the foure bookes of the Gospell*, affirmeth, *that the aduerbe [as] doth import a similitude, and not an equalitie, as that Matth. 5. Be you perfect, as your heauenly father is perfect.* For in like manner these doe answer, that those words, *I doe abhorre, detest, and abiuire as hereticall, &c.* doe not import an equalitie, but a similitude; and so in common speech do only signifie, that I doe exceedingly detest that doctrine. And so wee vsually say, *I hate him as the Diuell, I loue him as my brother*, not intending thereby to affirme, that the one is in truth a Diuel, or the other my brother.

29. Now to omit that word [*murthered*] as though there were no mention at all made in the oath concerning the murthering of Princes, and to speake onely of deposing them; these men affirme, that the aforesaid position, *Princes, which be excommunicated, or deprived by the Pope, may be deposed by their subiects, or any other whatsoever*, supposing that this question concerning the Popes power to depose Princes is not yet decided, is in their iudgements a false, and seditious proposition, and that it hath some similitude with error, and heresie; not for that they thinke it to be in very deepe hereticall, or erroneous, but for that they doe constantly hold it to be of such a nature, that it may be condemned by the Church as an erroneous, and hereticall proposition, if *deposing* be taken in that sense, as it is in this branch of the oath distinguished from *depriving*. For to *deprive a Prince*, is to take away by a lawfull sentence his Regall authoritie, and in this branch is referred to the Pope, but to *depose a Prince*, is to thrust him out of the

<sup>t</sup> Lib. 2. de  
Concil. cap. 13.

<sup>u</sup> Lib. 1. ep. 24.



the possession of his kingdome, and in this branch is referred to subiects, or any other whatsoeuer. The falsehood therefore of the aforesaid position may be gathered partly from holy Scripture, *Render to Caesar the things which are Caesars*; which precept is plainly vnderstood not onely of rendring to Caesar which is *Caesars*, but also of not taking away from him that which is his, and which he lawfully possesseth: as also contrariwise the plaine meaning of that precept of the Decalogue, *Thou shalt not steale*, is not only to take away vniuently that thing which is our neighbours, but also not to render to him that which is his; and partly it may bee gathered from the most true principles of the Diuines, and Lawyers, to wit, that no man is to be put out of his lawfull possession, vntill the right of the aduerser part be sufficiently decided. Seeing therefore that this question concerning the Popes power to depriue Princes, is not as yet sufficiently decided, *for that as yet the Iudge hath not determined the controuersie*, as *Tritheimus* \* well affirmed, and we also heretofore haue shewed, so long as it is in question among Catholikes, and probably disputed on both sides, whether the Pope hath such authoritie to depriue Princes, or no, they can not by vertue of any Excommunication, or sentence of deprivation made by the Pope against them, be deposed by their subiects, or any other whatsoeuer, or which is all one, bee violently by their subiects, or any other thrust out from their kingdome, which they doe rightfully possesse. By this therefore which hath been said it is manifest enough, that according to both these answers, although many doe like better the former, that the aforesaid position, *Princes, which be excommunicated, or deprived by the Pope may be deposed, or murdered by their subiects, or any other whatsoeuer*, may truly, lawfully, and without any danger of periurie be abiured as impious, and hereticall doctrine.

\* Cited before  
cap. 3. sect. 3.  
nu. 1.

## Sect. III.

1. **T**Hirdly, some obieſt againſt thoſe words [*this damnable doctrine*:] for ſay they, *no man can truly deteſt, abhorre, and abiure, that which is not, but there is no ſuch doctrine, which affirmeth, that Princes Which be excommunicated, or deprived by the Pope may be murdered by their Subieſts, or any other whatſoener (in which ſenſe the aforeſaid poſition, according to the firſt, and principall anſwere to the former obiection, is underſtood)* therefore according to that former anſwere *no man can truly, and with a ſafe conſcience take the aforeſaid claufe of the oath.*

2. To this obiection it is answered by denying both the *Major*, and the *Minor* propoſition. For to deteſt and abhorre a doctrine (which is all one with to abiure, if this deteſtation be confirmed by oath) being an act of the will, and not of the vnderſtanding, wherein truth, and falſhood doe onely reſide, is not to affirme, that the doctrine, which I deteſt, is at that time defended by any, but it doth onely ſignifie, that I have a great diſlike, and hatred (of which my diſlike I call God to witneſſe) to that doctrine, whether heretofore it hath been maintained, or hereafter may be maintained, or that time, when I abiure it, it is maintained, or elſe ſuſpected by any. Now, that it may juſtly bee ſuſpected, that this doctrine, to wit, that *Princes, which be excommunicated, or deprived by the Pope, may bee murdered by their Subieſts*, is maintained by Catholikes, the late moſt wicked murders of the two *Kings of France*, together with that execrable *Powder-Treſon* intended by certaine Catholikes doe yeeld ſufficient teſtimonie. For if before any publike Excommunication, or ſentence of deprivation denounced by the Pope againſt the aforeſaid three Kings, thoſe Traitours thought it lawfull to murder them, how much more would they approve this doctrine to murder Princes as lawfull, if they

they should by the Pope be Excommunicated, depriued, and declared to be publike enemies of the Church?

3. Besides, a Prince depriued by the Pope, according to the opinion of those, who defend the Popes authoritie to depriue Princes, is not a true, and a lawfull Prince, but a Tyrant, not onely such a one, who gouerneeth the Kingdome wickedly, and Tyrannically, but also who hath no authoritie to raigne; but whether the doctrine of lawfully killing such a Tyrant, is at this time maintained by any Catholike, let the writings of *Ioannes Mariana*, *Emanuel Sa*, *Gregorius de Valentia*, and other Diuines, who treat of this question, giue iudgement.

4. Moreouer, doth not *Gregorius de Valentia*, a most learned Iesuite, most manifestly teach this doctrine, of killing Kings by the Popes authoritie? For thus hee writeth. *By the authoritie of the Church, and so also of the Pope, any man for the sinne of apostacie, and forsaking of his faith, may bee also together depriued of his dominion, and superioritie ouer his Subiects, &c. This assertion is proved first, and innuincibly by all those arguments, whereby in the precedent question punct. 3. we haue conuincd, that Heretikes, and Apostatates from the faith may by the authoritie of the Church be depriued euen of their life. For if they may be depriued of their life, much more of all their goods, and therefore also of the Superioritie ouer others, seeing that life doth ouerway all such kinde of temporall goods, and it being taken away, all other things are with it taken away.* The like also hath *Martinus Becanus*<sup>2</sup> a Diuine of the same Societie of *Iesus*, who from the authoritie, which the high Priests had in the olde Testament to depose Princes, endeauoureth to proue, that the same authoritie was also giuen to the Pope in the new Testament; and withall in the same place he affirmeth, that the high Priest in the old Testament had authoritie to command that Kings should be killed, if they were rebellious, and would not obey his sentence, from whence he inferreth, that

¶ 2. 1. Disp. 1.  
q. 12. punct. 2.  
assertio. 1.

<sup>2</sup> Both in his English controverſie, which was censured at Rome, cap. 3. q. 3. pag. 115. and in his corrected pag. 130.

<sup>a</sup> Cap. 42. pag. 140.

<sup>b</sup> Nu. 43 & seq.

<sup>c</sup> The same doctrine of depriving Kings of their life by the Popes authoritie, hath now lately published Doctor Schulckenius in his answer to *Widvington*, pag. 413. & 490. and Doctor *Weston*, who affirmeth pag. 403. that the Pope hath authoritie not onely to deprive Princes of their Kingdomes, but also to dispose of the bodies of Christians, although in other places they would gladly winde themselves out of this labyrinth: but all in vaine, as hereafter, God willing, we will manifestly shew.

that hee might also deprive them of their Kingdome. *The high Priest*, saith he, *might in the old Testament deprive Kings of their life, therefore also of their Kingdome. Of this no man doubteth.* And who perceiueth not, that this argument was by *Becannus* produced for this end, to shew, that as much authoritie was graunted to the Priests of the new Testament ouer Kings, and Princes, as was giuen to the Priests of the old Testament.

5. And what shall we say of *Iaspar Scioptinus* in that his railing *Ecclesiasticus*, which is stuffed with malepart reproachfull speeches against our Kings Maiestie, who also in expresse tearmes maintaineth this doctrine of killing Kings by the Popes authoritie. *Christ*, saith he, *a When now the Church, which is Christs bodie was come to full age, hath armed her with an iron rod, or with the secular sword, &c.* to bee reuenged of the Heathens, and to rebuke the people, to binde their Kings in fetters, and their nobles in manacles of iron, that they may iudge them as it is written, *Psalm. 149. Or, that his Viceroyes, to wit, Peter, and his Successors may iudge them according to Kingly right, and by prescript of the law: that is, when they will not receive the law of Christ, and acknowledge him for their King, may deprive them of their Kingdome, and with all also of their life.* See also the argument which heretofore in my Apologie <sup>b</sup> I vrged to proue, that Kings, and Princes, if for the spirituall good, may by the Popes authoritie be deprived of all their temporall goods, may in like manner for the same spirituall good be deprived of their life, which is also a temporall thing <sup>c</sup>.

## CHAP. VI.

### *The fifth branch of the Oath.*

**A**ND I doe beleene, and in conscience am resolved, that neither the Pope, nor any person whatsoever hath power to absolue me of this oath, or any part thereof.

Sect.

## Sect. I.

1. **A**gainst this branch five obiections are commonly made. First, Cardinall Bellarmine<sup>a</sup> obiectioneth against those words, [*That the Pope hath not power to absolve mee from this oath, or any part thereof,*] in which words, saith he, the Popes power to absolve, or loose is denied. For out of those words of our Saviour, what soeuer thou shalt loose vpon earth, shall be loosed also in Heauen, all Catholikes doe gather, that it belongeth to the Popes authoritie, not onely power to absolve from sinnes, but also from Punishments, Censures, Lawes, Vowes, and Oathes, whensoever it is expedient to the glorie of God, and the health of soules.

2. To this obiection it is answered, that in this branch of the oath is not denyed in general the Popes power to absolve from oaths, as some vnlearned Catholikes doe imagine, and Cardinall Bellarmine by vrging this obiection, seemeth desirous to perswade them to the same; but heerein is onely denied the Popes power to absolve mee from *this oath*, or any part thereof. Neither is this manner of arguing to be approoued as lawfull, but to bee reiected as deceiptfull, and captious. *The Pope hath not authority to absolve me from this oath, therefore hee hath not authority to absolve from oaths.*

3. All Catholikes doe acknowledge, that the Pope hath power to absolve from punishments, lawes, vowes, and oaths, but not from all: who will affirme, that hee hath authoritie to absolve a Theefe, or Traitor iustly condemned by the Secular Magistrate to death, from the gallowes? Very many Diuines both vertuous, and learned doe auerie, that the Pope hath not power to absolve any man from the solemne vow of Religion, and that he hath not authoritie out of his owne territories, to make a bastard so legitimate in temporals, that hee shall haue as much right to inherite as other lawfull

<sup>a</sup> In respons. ad Apolog. pag. 10 of the Collen edition 1610.

children haue. And from oaths, if the absolving from them should tend to the temporall preiudice of a third person, many Catholike Doctōrs are of opinion, that the Pope hath no authoritie to absolve, vnlesse hee haue temporall iurisdiction ouer that third person.

<sup>b</sup> In tract. de  
potest. Regia,  
& Papali cap. 5

4. To that, *whatsoeuer thou shalt loose, I answere,* saith *Ioannes Parisiensis* <sup>b</sup>, according to *Saint Chrysostome,* and *Rabanus,* that by this is not understood to be giuen him any authoritie, but spirittuall, to wit, to absolve from the bond of sinnes. For it were folly to understand, that by this is giuen authoritie to absolve from the bond of debts. And therefore this manner of arguing, from a particular to infer an vniuersall, is not onely deceitfull, and captious, but being in a matter of so great importance, as to proue, that no Catholike can without flat deniall of the Catholike faith take this oath, to the perpetuall losse of his libertie, and of all his goods, and to the viter ruine of his whole posteritie, it is, I speake it with griefe, too too pernicious. And whether Cardinall *Bellarmino* by these his sophistickall arguments giuing cause to so great ouerthrow of Catholikes, be bound to restitution, I leaue it both to his owne conscience, and to the vertuous, and learned Reader to examine.

<sup>c</sup> In my Apo-  
logie nu. 52. &  
seq.

5. Besides, what excesssiue, and almost illimitate power hee giueth to the Pope, to absolve from punishments, lawes, vowes, and oaths, to wit, *Whensoever it is expedient to the glorie of God, and the health of soules,* (seeing that there can scarcely be assigned any certaine limit of those things, which are expedient to the glorie of God) and what great inconueniencies both to Princes, and Subiects by this doctrine may arise, I haue in another place <sup>c</sup> partly insinuated, and partly the prudent Reader will easilie comprehend. The truth of Catholike faith necessarie to eternall saluation can be no whit preiudiciall either to Pope, Princes, or Subiects, and therefore it ought by Doctōrs, and Pastors to be clearly, perspicuously, and without artificiois colouring of words



words to be declared & propounded to the faithful people, who, as they are fearfull to disobey the Pope, whom they acknowledge to be their supream Pastour in spirituals, so also they are desirous to yeeld all obedience by the law of God, and nature due to their lawfull Prince, who they profes to be their soueraigne Lord in tēporals

6. *Lastly*, that the Reader may most clearly perceiue, vpon how weak a ground Card, *Bellarmino*, and the rest, who condemne this branch of the oath as vnlawfull, do rely, it is to be obserued, that there are two kindes of oaths assigned by the Diuines, the one they call an *assertorie oath*, and the other, a *promissorie*. An *assertorie oath* is that which is taken for the affirming or denying of a thing present or past. As for exāple, I sweare that I haue euer been a most loyal Subiect to *King Iames*. I sweare, that I doe truely, and sincerely acknowledge, and professe, that *King Iames* is my Soueraigne Lord in temporals, & that he is lawfull King of this Kingdome of England. I sweare, that I doe from my heart detest this inipious doctrine, which teacheth, that Princes, although they be excommunicated or depriued by the Pope, may be murdered by their subiects, or any other whatsoeuer, and so of the rest. And this *assertorie oath* can not be dispensed withall, neither hath the *Pope* power to absolue any man from the bond of this kind of Oath. The reason is, because the matter of this oath, or, which is all one, that thing which in this oath is affirmed or denied, being of an act present or past, is now made altogether necessary, and irreuocable, for that as soone as euer the Oath was made, it was either true, or false by reason of the truth or falshood of the act, which now is past. Wherefore seeing that it is impossible, that the act, which is past, be not past, so also it is impossible, that the *Popes* dispensation, or absolution can alter it, or recall it. For it is impossible, that the act of swearing, which is now, or hath been true, be not now, or hath not been true.

7 The *Pope* indeed hath power to absolue any man in

d S. *Them.* 2.2.  
q 89. ar. 7. & 9.  
cicet ibidem.  
*Petrus Aragona*  
ibidem art. 3.7  
& 9 *Greg.* de  
*Valentia* 2.2.  
disp. 6. q 7.  
punct. 4. *Sayrus*  
lib. 5. *Theauri*  
cap. 2 & 8. *Syl-*  
*uester verbo Iu-*  
*ramentum* 1. &  
5. nu. 2. & alii  
Summistz.

the Court of conscience from the sin, or offence, if perchance by false, vniust, or incōsiderate swearing he hath offended, and being penitent doth confesse the same: but this is not the plaine & common meaning of this word [*absolue*] contained in this branch of the Oath, as some vnlearned Catholikes with vs doe imagine, who therefore are fearefull to take this branch, suspecting that the Popes power to absolue from sins in the Sacrament of Penance, is abiured herein. For to absolue from an Oath, is all one, with to dispense therein, or to release the obligation thereof; but no dispensation, or absolution can make, that the act of swearing, which is, or hath beene false, is not, or hath not bin false. And therefore according to the common doctrine of all Diuines, *dispensation, absolution, commutation, relaxation, irritation* are not extended, neither doe they appertaine to *assertorie oathes*,

8. *A promissorie oath* is that, which is taken for the performing, or not performing of some future thing. As for example, I swear that I will alwaies beare true faith and allegiance to King *Iames*, that I will to the vttermost of my power defend him from all conspiracies, and wil doe my best endeouour to make them knowne to his *Maiesie*. But in this *promissorie oath*, one thing I doe affirme, to wit, that, when I do promise, I do sincerely, and vnfaignedly promise; the other thing I doe promise, to wit, that I will truely performe what I doe promise; or to vse other words, which in sense are al one; in this *promissorie oath* two kinds of truth are to be considered, one is alreadie present, which doth consist in this, that he, who sweareth, doe affirme the truth, which is, that he haue a present intention, vnlesse hee will be periured, to make that true, or, which is all one, to performe that, which he hath promised to performe; which act of swearing doth not differre from the nature and quality of an *assertorie oath* and therefore is altogether invariable and indispensable; the other truth is future, which doth consist in this, that he make that true which he promised, by really

per.

performing that thing which hee swore to performe, which thing to be performed, seeing that it is variable in such sort, that in some case the perform<sup>ance</sup> thereof may be vnlawful or hurtful, therefore such a promissorie oath may be dispensed withall, because such a dispensation & absolution is not from the act of swearing, but from the thing which is sworne, in such sort, that as by obligation of the oath I was bound to performe that thing, which by oath I promised to performe, so by vertue of absolution or dispensation, I am freed from performing the same. For this is the effect of absolution and dispensation, that the thing, which before was a fit matter to be sworne, and to be performed, now vpon iust occasion is no fit matter to be sworne, or to be performed. As for example, if one should sweare to fast, and afterwards he should be doubtfull, that this fasting would be either euil, or an hindrance of greater good, he might also iustly doubt, that it is now no longer a fit thing to be sworne, or performed: and therefore according to the common opinion of Diuines, an absolution and dispensation therein may be iustly demanded, and also granted by him, who hath authoritie to dispense in oaths.

9. Now in this oath of allegiance, which containeth many particular oaths, three onely things I doe promise to performe, all which are comprehended in the third branch of the oath, to wit, *that notwithstanding any declaration, or sentence of Excommunication, or deprivation made, or to be made against the said King, his Heires or successors, or any absolution of the said subiects from their obedience. First, I will beare faith, and true allegiance to his Maiestie, his Heires and Successors. Secondly, I will to the uttermost of my power defend him, and them against all conspiracies, and attempts whatsoever, which shall be made against His, or their Persons, their Crowne and dignitie. by reason or colour of any such sentence, declaration, or otherwise. And thirdly, I will doe my best endeavour to disclose and make knowne vnto his Maiestie, his Heires and Successors,*

children haue. And from oaths, if the absolving from them should tend to the temporall preiudice of a third person, many Catholike Doctōrs are of opinion, that the Pope hath no authoritie to absolue, vnlesse hee haue temporall iurisdiction ouer that third person.

<sup>b</sup> In tract. de  
potest. Regia,  
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<sup>c</sup> In my Apo-  
logie nu. 52. &  
seq.

5. Besides, what excesssiue, and almost illimitate power hee giueth to the Pope, to absolue from punishments, lawes, vowes, and oaths, to wit, *whensoever it is expedient to the glorie of God, and the health of soules*, (seeing that there can scarcely be assigned any certaine limit of those things, which are expedient to the glorie of God) and what great inconueniencies both to Princes, and Subiects by this doctrine may arise, I haue in another place <sup>c</sup> partly insinuated, and partly the prudent Reader will easilie comprehend. The truth of Catholike faith necessarie to eternall saluation can be no whit preiudiciall either to Pope, Princes, or Subiects, and therefore it ought by Doctōrs, and Pastors to be clearely, perspicuously, and without artificiose colouring of words

words to be declared & propounded to the faithful people, who, as they are fearfull to disobey the Pope, whom they acknowledge to be their supreme Pastour in spirituals, so also they are desirous to yeeld all obedience by the law of God, and nature due to their lawfull Prince, who they profes to be their soueraigne Lord in tēporals

6. *Lastly*, that the Reader may most clearly perceiue, vpon how weak a ground Card, *Bellarmino*, and the rest, who condemne this branch of the oath as vnlawfull, do rely, it is to be obserued, that there are two kindes of oaths assigned by the Diuines, the one they call an *assertorie oath*, and the other, a *promissorie*. An *assertorie oath* is that which is taken for the affirming or denying of a thing present or past. As for exāple, I sweare that I haue euer been a most loyall Subiect to *King Iames*. I sweare, that I doe truely, and sincerely acknowledge, and professe, that *King Iames* is my Soueraigne Lord in temporals, & that he is lawfull King of this Kingdome of England. I sweare, that I doe from my heart detest this impious doctrine, which teacheth, that Princes, although they be excommunicated or depriued by the Pope, may be murdered by their subiects, or any other whatsoeuer, and so of the rest. And this *assertorie oath* can not be dispensed withall, neither hath the *Pope* power to absolue any man from the bond of this kind of Oath. The reason is, because the matter of this oath, or, which is all one, that thing which in this oath is affirmed or denied, being of an act present or past, is now made altogether necessary, and irreuocable, for that as soone as euer the Oath was made, it was either true, or false by reason of the truth or falshood of the act, which now is past. Wherefore seeing that it is impossible, that the act, which is past, be not past, so also it is impossible, that the *Popes* dispensation, or absolution can alter it, or recall it. For it is impossible, that the act of swearing, which is now, or hath been true, be not now, or hath not been true.

7 The *Pope* indeed hath power to absolue any man in

d S. *Thom.* 2. 2.  
q. 89. ar. 7. & 9.  
Caiet. *ibidem*.  
*Petrus Aragona*  
*ibidem* art. 3. 7  
& 9 *Greg.* de  
*Valentia* 2. 2.  
disp. 6. q. 7.  
punct. 4. *Seyrus*  
lib. 5. *Thesauri*  
cap. 2. & 8. *Syl-*  
*uester verbo Iu-*  
*ramentum* 1. &  
3. pu. 2. & alii  
*Summistz.*

the Court of conscience from the sin, or offence, if perchance by false, vniust, or incōsiderate swearing he hath offended, and being penitent doth confesse the same: but this is not the plaine & common meaning of this word [*absolue*] contained in this branch of the Oath, as some vnlearned Catholikes with vs doe imagine, who therefore are searefull to take this branch, suspecting that the Popes power to absolue from sins in the Sacrament of Penance, is abiured herein. For to absolue from an Oath, is all one, with to dispense therein, or to release the obligation thereof; but no dispensation, or absolution can make, that the act of swearing, which is, or hath beene false, is not, or hath not bin false. And therefore according to the common doctrine of all Diuines, *dispensation, absolution, commutation, relaxation, irritation* are not extended, neither doe they appertaine to *assertorie oathes*,

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performing that thing which hee swore to performe, which thing to be performed, seeing that it is variable in such sort, that in some case the performāce thereof may be vnlawful or hurtful, therefore such a promissorie oath may be dispensed withall, because such a dispensation & absolution is not from the act of swearing, but from the the thing which is sworne, in such sort, that as by obligation of the oath I was bound to performe that thing, which by oath I promised to performe, so by vertue of absolution or dispensation, I am freed from performing the same. For this is the effect of absolution and dispensation, that the thing, which before was a fit matter to be sworne, and to bee performed, now vpon iust occasion is no fit matter to be sworne, or to be performed. As for example, if one should sweare to fast, and afterwards he should be doubtfull, that this fasting would be either euil, or an hindrance of greater good, he might also iustly doubt, that it is now no longer a fit thing to be sworne, or performed: and therefore according to the common opinion of Diuines, an absolution and dispensation therein may be iustly demanded, and also granted by him, who hath authoritie to dispense in oaths.

9. Now in this oath of allegiance, which containeth many particular oaths, three onely things I doe promise to performe, all which are comprehended in the third branch of the oath, to wit, *that notwithstanding any declaration, or sentence of Excommunication, or deprivation made, or to be made against the said King, his Heires or successors, or any absolution of the said subiects from their obedience.* First, *I will beare faith, and true allegiance to his Maiestie, his Heires and Successors.* Secondly, *I will to the uttermost of my power defend him, and them against all conspiracies, and attempts whatsoever, which shall be made against His, or their Persons, their Crowne and dignitie, by reason or colour of any such sentence, declaration, or otherwise.* And thirdly, *I will doe my best endeavour to disclose and make knowne vnto his Maiestie, his Heires and Successors,*

all

*all Treasons and Traiterous conspiracies, which I shall know or heare of to be against him, or any of them.* Seeing therefore that in this Oath I doe promise to performe these three onely things, and all the other parts of the oath are meere asseritorie, to which absolution and dispensation doe not belong, it is euident, that neither Cardinall *Bellarmino*, nor any other can bee moued with any shew of reason to impugne this fifth branch as vnlawfull, to wit, *that the Pope hath not power to absolve me from this oath*, vnlesse hee will contend, that the Pope hath power to absolve mee from some one of those three things which I haue promised, to wit, either from bearing true faith and allegiance to his *Maiestie*, or from defending him from all Treasons, or from disclosing them to his *Maiestie*.

10. From whence it doth cleerely appeare, that the subiects cannot incurre any more danger of periurie, by swearing that they beleue, and are resolu'd in their conscience, that the Pope hath not power to absolve them from these three things, which they promise to performe, then by swearing, that they doe acknowledge, beleue, and are resolu'd in their conscience, that the Pope hath not authoritie to depriue his *Maiestie*. For this once supposed, it is most certaine, that all subiects, by the law of God and nature, wherein the Pope hath not power to dispense, or to absolve any man from the bond thereof, are bound to beare allegiance, and true obedience to their lawfull Prince, as also Cardinall *Bellarmino* <sup>e</sup> doth expressely auerre, and consequently by the same law of God and nature they are obliged to defend him against all Treasons, and to make them knowne vnto his *Maiestie*. Wherefore supposing that the Pope hath not power to depriue his *Maiestie*, or to make him no King, *which is a controuersie among the Scholasticks*, and as yet the Iudge hath not decided it, as *Truthemius* <sup>f</sup> affirmeth, I may truly, and lawfully sweare, that the Pope hath not authoritie to absolve

<sup>e</sup> In tract contra Barclaium cap. 21. p. 102.

<sup>f</sup> In Chron. monast. Hir. sang. ad annum 1106.

me from this oath, or any part thereof, without denying the Popes power to absolue in generall. As also the kingdome of France affirming that the Pope hath not power to absolue the Kings subiects from their obedience due to him for temporals, doe not therefore intend to deny the Popes power to absolue in generall. And although *Ioannes Maldonatus*, a famous Diuine of the Societie of *Iesus*, doth confidently, as wee haue seene before, affirme, that neither the Pope, nor the whole Church hath power to dispense in the solemne vow of chastitie, and that they, who say the contrarie, do seeme to him to haue more regard of some examples of certaine Popes, then of the holy Scripture, yet no Iesuite without all doubt will from thence conclude, that *Maldonatus* doth thereby deny the Popes power to dispense in generall.

§ Cap.3. sect.1.  
nu.12.

### Sect. II.

I. **S**Econdly, *Gretzer*<sup>h</sup> against these very same words [*that the Pope hath not power to absolue me of this oath, or any part thereof,*] propoundeth two obiections, which yet in substance are not much different, for that the later is contained in the former, as a particular proposition in an vniuersall.

<sup>h</sup>In Comment.  
Exeget cap.6.  
pag 106.

The first obiection, which in order is *Gretzers* fifth argument, is this:

*Whosoever denieth, that the Supreme Pastor of the Church hath power to loose all that, the loosing whereof is evidently necessarie to the preservation, and propagation of Christ his flocke, denieth the Catholike faith; but he that taketh this oath, denieth this, therefore he denieth the Catholike faith.*

The Major proposition is certaine out of that *Mat.16.* I will giue thee the keyes of the kingdome of heauen. For what? vnlesse to open, and shut, or which is all one, to loose, and binde, when euident necessitie doth shew, that there

there is need of opening, or shutting, loosening, or binding.

The Minor is proved; because in this oath the swearer denieth generally, that the Pope hath power to absolue subiects from their oath of allegiance, therefore he denieth that then also it may be done, when the preservation and safetie of Christs flocke doth evidently require the same, because the oath is generall, and without any exception. But this is contrary to that, whatsoeuer thou shalt loose vpon earth, to wit, with reason, circumspection, prudence, and discretion, shall be loosed also in heauen. When, I pray you, is the loosening of a bond more necessary, then when it appertaineth to the preserving of the Catholike, and Apostolike Religion, and to the repelling of heresie?

2. The second obiection, which in order is Gretzers sixth argument, is this:

Whosoever beleueneth, and in his conscience is firmly resolved, that the Supreme Pastor of the Church, or his Lieutenant, hath not power to absolue any man from the bond of the oath prescribed by King Iames, if either willingly, or for feare he tooke the same, denieth the Catholike faith: But he that taketh this oath beleueneth this, and in his conscience is firmly so resolved, therefore hee denieth the Catholike faith. The Maior is manifest out of that, whatsoeuer thou shalt loose vpon earth, shall be loosed also in heauen. Wherefore vnder this [whatsoever] should not be comprehended this oath, which is so pernicious to soules, and to the Catholike Religion? Truly it were wonderfull, if kingly power were so great, that it could make void, or diminish that [whatsoever]. The Minor is apparant out of the aforesaid words of the oath. The Conclusion good.

3. These are the arguments of Gretzer, which are different from the obiection of Cardinall Bellarmine, before related, and answered in this, that Card. Bellarmine out of that, whatsoeuer thou shalt loose, &c. doth for the ground of his reason deduce this proposition, to wit, that according to the doctrine of all Catholikes the

Pope

*they differ  
not in  
substance  
but in  
the  
mode of  
the  
power  
according  
to his own  
interpretation.*

Pope hath power to absolue, not only from sinnes, but also from punishments, lawes, vowes, and oaths, whensoever it is expedient to the glorie of God, and health of soules, whereby he maketh the Popes power to absolue to be almost without any limitation. But Gretzer proceedeth more warily. For he out of those words, whatsoever thou shalt loose, &c. doth for the ground of his arguments onely inferre this proposition, to wit, that the Pope hath power granted him to loose, and binde every thing, when it is evidently necessarie to the preservation, and safetie of Christ his flocke. Neuertheless this ground of Gretzer is in substance all one with the second, and fifth reason, which Cardinall Bellarmine in his Controversies brought to proue the Popes authoritie to dispose of temporals for the spirituall good. And therefore out of my Apologie, wherein I haue out of Cardinall Bellarmine's owne principles cleerely shewed the weakenes of these his arguments, the answer to this ground of Gretzers will most easily appeare.

4. Wherefore to the first argument of Gretzers it is answered, that to make his *Maior* proposition to be vndoubtedly true, those words, *loose, and loosing*, are not to bee vnderstood of temporall, but onely of spirituall *loosing*, and only concerning such persons, ouer whom he hath spirituall iurisdiction. Otherwise out of that, whatsoever thou shalt loose, &c. one might inferre, that the Pope hath power to binde the Diuell from tempting men, and withdrawing them from the Catholike faith: For so the interlineall Glosse doth vnderstand those words, whatsoever you shall binde, &c. with the bond, saith hee, of Excommunication. And Suarez<sup>1</sup>, a most famous Diuine of the Societie of Iesus, writeth thus: But that, which is added, shall bee bound also in heauen, doth sufficiently declare, that this power is not naturall, but supernaturall, and that bond to be spirituall, and of an higher order. And to the same purpose Ioannes P. *Wirsensis*, before<sup>m</sup> related, citeth S. Chrysostome, and

O

Rabanus.

<sup>2</sup> Matth. 18.<sup>1</sup> Tom. 5. disp. 1. sect. 2. nu. 3.<sup>m</sup> In this chapter sect. 1. nu. 4.

*Rabanus.* Now it is manifest enough, that to dispose of temporals, to depriue Kings of their temporall kingdomes, and liues, are not spirituall, but temporall *loosings*.

5. If therefore the sense of the *Maior* proposition be that the chiefe Pastor of the Church hath power by spirituall loosening and binding, to loose, and binde all that, whose loosening and binding is evidently necessarie to the preservation, and encrease of Christ his flock, we grant the *Maior*, otherwise we denie it. For out of this place, *" what soeuer thou shalt loose, &c.* and out of that other, *" Feede my sheepe,* no other thing can be certainly concluded, but that all spirituall power, which is necessarie to the gouernment of the Church, hath been giuen to *S. Peter*, and the Church, which as by *Christ* his institution is not a temporall, but a spirituall common-wealth, as I haue heretofore declared more at large, so also it ought to haue all authoritie, which is agreeable to the nature of a spirituall common-wealth.

6. Wherefore to the spirituall loosening of the bond of an oath two things are principally required: the *first*, a power to dispense, or absolue from the oath: the *second*, a sufficient cause, for which the oath may bee dispensed withall; to wit, that the dispensation, or absolution bee granted with reason, circumspection, prudence, and discretion, when necessitie, or great vtilitie requireth. For otherwise if an oath be dispensed withall without a sufficient cause, although the dispenser or absoluer haue sufficient authoritie to dispense, or absolue, yet the dispensation, or absolution is rather a dissipation, neither before God, and in conscience is it of any force at all. Therefore *reason, circumspection, prudence, and discretion*, which *Gretzer* mentioneth, doe suppose indeede authoritie to dispense, but they giue not authoritie, and for that cause are required to dispensing, that he, who hath authoritie to dispense, or absolue, may rightly, lawfully, and

eth a gap to y<sup>e</sup>  
ing of the power in  
the power in  
the ruler confer

*"* Matthe 16.

*"* John the last  
chapter.

*"* In my Apo-  
logie nu. 83.  
& 109.



and without any sinne at all exercise his authoritie. For although the Pope should, for example, dispense with any man in the solemne vow of chastitie, and in so dispensing vse neuer so much *reason, circumspection, prudence, and discretion*, neuerthelesse wee could not from thence rightly conclude, that the Pope hath full and sufficient authoritie to dispense in that vow, seeing that according to the doctrine of *Maldonate* the Iesuite, who followeth herein the opinion of *S. Thomas*, and other excellent Diuines, that vow is not subiect to the Popes power of dispensing. And thus much concerning *Gretzers Maior* proposition.

7. Concerning his *Minor*, we denie first, that to absolute subiects from their temporal allegiance, to thrust Princes out of their temporall Dominions, and to dispose of temporal things, are to be numbred among spirituall, but onely among temporall *loosings*, and which therefore are not agreeable to the nature and condition of a spiritual common-wealth, *which*, as Pope *Iohn* the eighth affirmeth, *knoweth not corporall weapons*, and, as Pope *Nicolas* writeth, *hath no other sword then spirituall*.

8. Secondly, wee also denie, that to depriue Princes of their kingdoms, or life, to absolute subiects from their temporall allegiance, and to dispose of temporall things, are evidently necessarie to the preserving, or encreasing of Christ his flocke, as heretofore out of Cardinall *Bellarmines* grounds I haue most cleerely shewed. The visible Pastors of Christs flocke in earth are bound by the law of Christ, to vse all those meanes instituted by him, which are evidently necessarie to defend his flocke from the cruell assault of rauening wolues, and yet neither *S. Peter*, nor any other of those holy Popes of the Primitiue Church, who liued vnder most cruell persecutors of the Church, euer vsed these meanes to depose Princes, and to absolute subiects from their temporall allegiance, which without all doubt

¶ Cap. Porro. 16  
q. 3.

¶ Cap. Inter hac,  
33. q. 2.

¶ In my Apo-  
logie nu. 182.  
& seq.

they must, and would haue vsed, if they had been necessarie to the preservation of Christ his flock. And might not *Gretzer*, I pray you haue brought the selfesame argument for the murthering of wicked Princes, when there is no other way to depose them, or thrust them out of their kingdome? Might it not also by this argument be conuincd, that *Christ* our Lord hath giuen to his Church, not onely sufficient authoritie to depriue Princes, but also sufficient force actually to depose them, and to thrust them out of their actuall possession, considering that the actuall deposing of wicked Princes is for the most part more necessarie to the preservation, and encrease of Christ his flock, then is her sole authoritie to depriue them by a iuridicall sentence of their Regall authoritie?

9. To *Gretzers* second argument, whose solution will more cleerely appeare by the answer to the next obiection, it is answered by denying his *Minor*. For he denieth not the Catholike faith, who in heart & words doth acknowledge, belecue, and firmly perswade himselfe, that the Pope hath not power to absolue him from the bond of this oath. *For the bond of an oath, as well saith S. Thomas*, with whom all other Diuines doe accord, *is referred to some thing, which is to be performed, or omitted: wherefore it doth not appertaine to an assertorie oath, which is of a thing present, or past, but onely to a promissorie oath.* Now in this oath, as I haue said before<sup>u</sup>, three onely things are promised, which the swearer is bound to performe, to wit, *to beare faith, and true allegiance to his Maiestie, to defend him to the uttermost of his power against all treasons and conspiracies, and to doe his best endeuour to make them knowne to his Maiestie*, from the obligation whereof the Pope without doubt hath no authoritie to absolue his subjects, as wee<sup>\*</sup> haue cleerely deduced out of Cardinall *Belarmine*s doctrines, before<sup>y</sup> related, vnlesse of a King he hath authoritie to make him no King; which authoritie,

<sup>†</sup> 2.2.q.89.ar.7.

<sup>u</sup> In this chapt.  
sect.1.nu.9.

<sup>\*</sup> In this chapt.  
sect.1.nu.9.

<sup>y</sup> Chap.3.sect.5  
nu.3.

ritie, whether it bee granted to the Pope, is not yet determined, but *theresf not onely the Scholaſtic's doe diſpute, and as yet the Iudge hath not decided it,* as *Trithemius* affirmeth, but alſo the moſt noble kingdome of France, if any credit is to be giuen to *Petrus Pitheus*, doth ſuppoſe the contrarie to be certaine.

10. Wherefore *Gretzer* doth without ſufficient prooſe affirme, that *this oath is pernicious to ſoules, and to the Catholike religion*: For neither *Gretzer*, nor Cardinal *Bellarmino*, nor any other hath with any firme and ſolid reaſon hitherto proued, that in this oath is contained any thing, which is repugnant to Catholike faith, or the health of ſoules. And, to uſe *Gretzers* words, It were truly wonderfull, if the Popes power were ſo great, that it could make void, or diminith that Regall power, which the law of God and nature hath granted to Princes, and that temporall allegiance which by the ſame law of God and nature is due to them. Neither is that [*whatſoener*] which *Gretzer* doth ſo often inculcat, to be taken generally, but with a conuenient diſtribution, or limitation, as the Logicians ſpeake, as he may perceiue by *Maldonate*, and thoſe other Diuines, whom *Maldonate* doth follow. And I would to God that *Gretzer*, and ſome others, who are ſo vehement againſt the oath, would ſeriously conſider with themſelues, what great account they are to make in the dreadfull day of Iudgement to the ſupreme Paſtor and Iudge of all, for maintaining ſo liſty their owne opinions, and thoſe not grounded vpon any ſolid reaſon, but onely vpon ſophiſticall deductions, will needs haue the ignorant people, (who are not able to examine their ſophiſmes, but doe only relye on their authoritie, as being men of ſuch ſingular learning) to beleeue them as an vndoubted doctrine of faith, and which without danger of hereſie or error, may not be impugned, and that in things of no ſmall moment, but which, if they bee not true, may tend to the great

reproch of the Catholike faith, to very much disgrace of the Sea Apostolike, to the infinite wrong of Soueraigne Princes, and to the perpetuall temporall ouerthrow of very many Catholikes, and of their whole posteritie.

### Sect. III.

1. **T**Hirdly, against the selfesame words, [*That the Pope hath not power to absolue me of this oath, or any part thereof*] others obiect in this manner:

*In every oath, which is taken to confirme the performing of some future thing, which is otherwise commanded by the law of God and nature, two sorts of obligations may be distinguished: The first bond is naturall, or ciuill, which is precedent to the oath, and which hath force to binde, before any oath to confirme the same be taken. The other is sacred, or religious, which either freely, and without constraint, or for feare is made to confirme the former bond, and wherein the bond, or obligation of an oath doth properly, and formally consist, and which being taken away doth not of necessitie dissolue the former bond. Seeing therefore that, according to Catholike doctrine, there is giuen by Christs institution authoritie to S. Peter, and his Successors to dispense, or absolue from oaths vpon a reasonable cause, it cannot doubtlesse be denied, but that the Pope hath power to dispense, or absolue, vpon iust cause, from every oath, that is, from the sacred and religious obligation thereof, although perchance it be denied, that hee hath authoritie to absolue from the precedent naturall, or ciuill obligation.*

2. Now that there is a iust cause, which may moue the Pope to dispense, or absolue from this oath, that is, from the religious obligation, wherein the substance of an oath formally consisteth, is too too manifest. For as all Diuines, and Lawyers doe confesse, among other sufficient causes, which are required to demaund, and grant an absolution from

an oath, these two are the principall. The first is, if the oath be enforced, and extorted through feare: the other, to punish him to whom the oath was made, for some notorious crime by him committed: As to punish excommunicated persons, the oaths, which are made to them, are released, and their subiects are resolved from their oath of allegiance. can. Nos Sanctorum, and can. Iuratos 15. q. 6. and can. Absolutos, extra, de hæreticis. But in regard of both these causes the Pope may absolve from this oath of allegiance. For first it is extorted from the subiects for feare of losing all their lands, goods, and libertie. Secondly, our King is no Catholike, but rather an aduersarie to Catholike Religion: and therefore in consideration of both these causes this oath of allegiance, that is, at leastwise the sacred obligation thereof may by the Popes authoritie be released, if any credit be to be given to the Canons of holy Church: Therefore it is not lawfull for any subiect to sweare, that the Pope hath not power to absolve him from this oath, or any part thereof, which at the least, if we will speake properly, and formally, ought doubtlesse to bee understood of the sacred, and religious obligation, wherein the substance of euerie oath doth formallie consist.

3. To this obiection, in soluing whereof, for that some of our countymen both graue, and otherwise learned, doe make great reckoning thereof, I must bee somewhat the longer; it is answered first, that the plaine, common, and vsuall signification of this proposition, *The Pop hath power to absolve me of this oath*, is, that the Pope hath power to absolve me, not only from the thing sworne, with this reduplication, *as it is sworne*, but also absolutely frõ the thing it selfe, which is sworne; or which is all one, not only to absolve me from the sacred and religious bond, but also from the naturall and ciuill obligation. Seeing therefore that a *promissorie oath*, which only is subiect to dispensation, or absolution, doth formally consist in this, that God his holie name

name is brought as a witnes for the performing, or not performing of some future thing, as in this oath I doe only promise to performe these three things, to wit, that I will beare faith, and true allegiance to his *Maiestie*, that I will defend him against all Treasons, and traitterous conspiracies, and that I will doe my best endeavour to make them knowne to his *Maiestie*, if they shal come to my knowledge; when it is affirmed, that the Pope hath not power to absolue me from this oath, or any part thereof, by this according to the common meaning of the words it is signified, that the Pope cannot giue me leaue either not to beare faith, and true allegiance to his *Maiestie*, or not to defend him against all treasons, or not to disclose them to his *Maiestie*. And this also is the vsuall practise of Popes, that when they release subiects of the oath of allegiance, they doe not only absolue them from their allegiance as sworne, but simply, and absolutely from their allegiance it selfe, or from the naturall bond of their obedience, as plainly may be seene in the canon, *Nos Sanctorum*, and the canon *Iuratos* 15. q. 6. before cited. And therefore this distinction of the sacred and ciuill bond of an oath, little auaiileth to proue this branch of the oath to be vnlawfull.

4. Besides, this also seemeth to bee the minde, and chiefe meaning of the Law-maker, which for the interpreting of the words of lawes is principally to be respected. For I thinke his *Maiestie* doth little regard, whether the Pope hath power to absolue his subiects from the sacred bond of *this oath*, so that he may be assured, that notwithstanding the releasing of the sacred bond, yet the ciuill and naturall allegiance of his subiects, for confirmation whereof this oath is moreouer added, doe remaine inuiolable, and indispensable, neither by the Popes authoritie may it any waies be dissolved, but that his subiects, after they be absolued by the Pope from the sacred bond of the oath, are neuertheless



lesse by the law of God and nature, obliged to beare faith and true allegiance to his *Maiesstie*.

5. *Secondly*, although wee should grant, that the common meaning of these words, *to absolue me from this oath*, were to absolue me only from the sacred obligation, wherein the formall substance of an oath consisteth, yet supposing that the Pope not so much as indirectly, that is, in regard of the spirituall good, hath not authoritie to dispose of the temporals of Princes, and to depriue them of their kingdomes and dominions, which of necessitie must be supposed at the least as probable by him, who will take the oath: this, I say, supposed, *it is answered*, that any man may lawfullie thinke, and safely perswade his conscience, and this his opinion, or perswasion confirme by oath, that the Pope hath not power to absolue him from his oath, that is, from the sacred and religious obligation thereof. For, according to the common opinion of Diuines, the Pope hath not power to absolue from oaths, when the absolving from them tendeth to the temporall preiudice of a third person, vnlesse either directly, or indirectly he hath power to dispose of the temporall goods of that persons.

6. *From hence*, saith Dominicus Sotus <sup>y</sup>, a most learned Diuine of the Order of S. *Dominicke*, doe arise two other differences to bee considered in the dispensing of vowes and oaths. The first concerning those persons, who haue power to dispense. For, although the Pope can dispense in a vow which is greater, yet he cannot in an oath, which is lesse. For he hath not power to release an oath, which one hath made to another man, to pay him that debt which he oweth him. Neither doth this proceed from the lesse power of the Pope, neither from the worthinesse of the oath, but from the nature of the contract, which by oath is confirmed. For, because the Pope is the Vicar of God, he hath power to change the vow, which is made to God, into that, which is more acceptable vnto him. But

<sup>y</sup> Lib 8. de Iust.  
q.1.ar.9.

because he hath not power to take from another man that which is his owne, hee cannot doe him wrong in releasing the oath, which was made vnto him. And contrariwise, although a private man cannot dispense in a vow, which is made to God, for that he is not his Vicar, yet he, to whom an oath was made, hath power to release the same; not for that he hath more ample power, then the Pope, but because he is Lord of his owne goods, and therefore as hee hath power to giue them so also hath he power to release the oath made vnto him concerning them. Wherefore this is not a dispensing, but a remitting, or releasing. The second difference is concerning the matter; that in changing and dispensing of vowes that only must bee regarded, which is more pleasing to God, but in releasing of oaths great caution must be vsed that no wrong bee done to a third person. Hitherto Solus, from whom Petrus Aragona<sup>2</sup>, and our counttriman Gregorius Sayrus<sup>a</sup> haue taken the selfesame words.

7. Seeing therefore, as oftentimes hath been said, that the Pope hath not power to depriue our King, or to dispose of his temporals, or of his subiects, from this supposall it doth evidently follow, that he hath not power to absolue his subiects from this oath, which they haue taken for the performance of those three things before<sup>b</sup> rehearsed, which euery subiect by the law of God and nature is obliged to performe. And truly, according to the probable doctrine of S. Thomas, and his followers, who are of opinion, that the Pope, when hee dispenseth in vowes, and oaths, doth not dissolue the sacred and religious bond of the oath, (*in that manner as many, saith Maldonate, doe understand dispensation; for so, saith he, he should disannull, and altogether loose the law of God and nature, as commonly it is done in many dispensatiōs, which is not to be a dispensator, but a dissipator*) but doth only interpret the oath, to wit, by declaring, that the thing promised by oath, which before was a fit thing to be sworne, and therefore by vertue of the

<sup>2</sup> 22. q. 89. ar. 9.

<sup>a</sup> Lib 5. The-  
sauri cap. 8.  
nu. 4.

<sup>b</sup> In this chapt.  
sec. 1. nu. 9.

the oath to be performed, so long as it remaineth so, is now by reason of some particular euent or circumstance become hurtfull, and an hindrance of a greater good, and therefore now no fit matter to be sworne, nor by vertue of the oath to be now any more performed: According, I say, to this doctrine of *S. Thomas*, which is also the more common of Diuines, it is plaine enough, that this obiection of our countymen, taken from the difference betwixt the sacred and ciuill bond of the oath, is of no force at all.

8. For whereas those three things before rehearsed, which by the law of God and nature are due to lawfull Princes (whereof only there can be made any controuerſie concerning the Popes power to absolue from this oath, considering that all the other parts of the oath are meere *assertorie*, neither are they subiect to absolution, or dispensation) are only in this oath promised to be performed by the subiects; as the precepts of nature, the same circumstances remaining, are immutable and indispensable, neither can God and nature command an vnlawfull or hurtfull thing, or which is an hindrance to greater good, so in those three things, which, according to the doctrine of Cardinall *Bellarmino* oftentimes related, are due by the law of God and nature to lawfull Princes, no interpretation or dispensation can be made. Neither can the Pope absolue from this oath of allegiance, vnlesse hee doe withall declare, that our allegiance, which is due to the King by the law of God and nature, be vnlawfull, hurtfull, or an hindrance to greater good, which hee cannot in any wise declare, vnlesse hee hath power to make a King no King. For consequently he should also declare, that God and nature commanding subiects to beare true faith and allegiance to their lawfull Prince, should inioine them an vnlawfull or hurtfull thing, or which is an hindrance to greater good. It is plaine therefore that, according to the common doctrine of *S. Thomas*, and his Schoole,

the Pope cannot absolue from the sacred and religious bond of *this oath* of allegiance, vnlesse also he doe declare, that the natural bond of our allegiance be vnlawfull, hurtfull, or an hindrance to greater good; that hereby it may easily appeare, how weake is this obiection of our countrimen to condemne this branch of the oath as vnlawfull.

9. Now concerning the two causes alleaged in the obiection, for which an absolution, or dispensation in an oath may be demanded, or granted by the Pope, to wit, either to punish him to whom the oath was made, or when the oath was extorted through feare; *it is answered*, that both these causes be sufficient, to moue the Pope to dispense in those oaths, *wherein he hath power to dispense*. I say, *wherein hee hath power to dispense*, because, as I insinuated a little before, there is a great difference betwixt the Popes power to dispense in a vow, or oath, and a sufficient and iust cause for which he may dispense therein. For a iust and lawfull cause to grant a dispensation, doth suppose in the Pope a power, but doth not giue him a power to dispence. And therefore if the Pope hath no authoritie giuen him by Chrutt to dispense, for example sake, in the solemne vow of chastitie (whereof, notwithstanding many examples of Popes, who haue dispensed therein, there is a great controuersie among Diuines euen to this day) then no vrgent cause whatsoeuer, as the preseruing of a kingdome from eminent danger of some notable temporall, or spirituall harme, can giue a true and reall power to the Pope to dispense in this vow.

10. Wherefore when Diuines doe affirme, that one sufficient cause, why the Pope may dispense in an oath made to a third person, is to punish that third person, this their assercion is to bee vnderstood of such third persons, vpon whom he hath authoritie to inflict such a punishment. For otherwise a iust cause to absolue from an oath, doth, as wee now haue said, suppose in the

Pope

• Sect. 2. nu. 8.

Pope a power to absolue, but doth not giue him such a power. And so the Pope hath authoritie to absolue subiects vpon a iust cause from their allegiance, which they owe to that Prince, ouer whom the Pope hath temporall iurisdiction, because hee hath authoritie to punish such a Prince, if hee deserue it, of whom he is a temporall Lord, with temporall punishment: But the Pope hath no authoritie to absolue subiects from their temporall allegiance, which they owe to Soueraigne Princes, who in temporals acknowledge no Superiour beside God, vnlesse either directly, or indirectly he hath power to depriue such Princes, and of Princes to make them no Princes, which as yet neither Cardinal *Bellarmino*, nor any other hath sufficiently proued.

II. In like manner when Diuines affirme, that one sufficient cause, for which the Pope hath power to absolue from an oath, is, if that oath be extorted through feare, this their assertion is to bee vnderstood of such oaths, which are wrongfully extorted, as if one, for feare of death, should sweare to giue a theefe a certaine summe of money: for to absolue fro such kind of oaths is iniurious to no man; but it is not to be vnderstood of such oaths, which are commanded by a iust law, and a great punishment imposed vpon the infringers thereof. If therefore this oath of allegiance, and the law, which commandeth it, be lawfull, and containe no iniustice, whereof there is now a controuersie, and the contrarie hath not hitherto been sufficiently proued, the feare of incurring the penaltie appointed by the law against the infringers thereof, is not a sufficient cause, for which the Pope may dispense euen in the sacred obligation thereof. For otherwise euery oath of allegiance, though it be in all mens opinion neuer so iust and lawfull, if it be commanded by the Prince his law, and a seuerer punishment imposed vpon the refusers thereof, may be said to be extorted through feare, and that the Pope in regard of this feare may absolue

the subiects from such an oath, which no Catholikes, no not our aduersaries themselues, dare, as I suppose, presume to auerrie.

12 *Lastly*, to those three texts of the *Canon law*, mentioned in the obiection, which seeme to proue, that the Pope hath power to absolue subiects from their oath of allegiance, we *answere*, that the first canon, *Nos sanctorum*, is a decree of Pope *Gregorie* the 7, wherein by *Apostolicall* authoritie he absolueeth those, who either by allegiance, or oath, are obliged to excommunicated persons, and most streightly commandeth, that they doe them no loialtie, untill they make satisfaction. The second canon, *Inratos milites*, is of Pope *Vrbanus* the second, who was next Successor to *Gregorie*, after *Victor* the 3, who reigned but sixe moneths, wherein he commanded the *Bishop Vapicensis* to forbid the sworne souldiers to Count *Hugo*, to serue him so long, as he remained excommunicated. Who if they shall pretend their oathes, let them be admonished, that they ought rather to serue God, then men. For by no authority they are bound to performe their allegiance which they haue sworne to a *Christian Prince*, who is contrarie to God and his Saints, and contemneith their commandements. The third canon, *Absolutos*, is of Pope *Gregorie* the ninth, wherein he declareth, that all those, who are obliged to manifest heretikes, by any covenant strengthened with neuer so great securitie, are absolved from the bond of all allegiance, homage, and obedience.

13. But these *Canons* are not forcible to proue, that the Pope hath power to absolue subiects from their allegiance, which by the law of God and nature they owe to Soueraigne Princes, who in temporals acknowledge no Superiour vpon earth. And first, if they were of sufficient force, they would euidently proue, that the Pope hath power to absolue, not only from the sacred bond of the oath of allegiance, but also from the natural obligation thereof: and therefore they auaille nothing to  
 confinne



confirm our countymens obiection, who endeavour to proue, that the Pope hath power to absolute from the sacred bond of the oath of allegiance, without releasing the naturall obligation thereof.

14. Secondly, neither doe these *Canons* make any mention of absolute and Soueraigne Princes, who, vnlesse they be specified by name are not to bee comprehended in penall lawes: and therefore either they haue force onely to binde in the territories of the Church, whereof the Pope is Soueraigne Lord in temporals, who therefore hath authoritie to enioyne a temporall punishment, to which all Princes, who bee his Vassals, shall also be subiect: (For out of the temporall dominions of the Church the Pope hath not authoritie in meere temporall causes, as is the disposing, I doe not say, the directing of temporall things for the spirituall good, to enact lawes, which shall binde absolute and Soueraigne Princes, who are not subiect vnto him in temporals: as by the like reason may be evidently gathered out of the doctrine of *Franciscus Suarez* <sup>d</sup>) or else, as *Ioannes Parisiensis* <sup>e</sup>, out of Cardinall *Hosienfis*, doth answer to the Canon, *ad abolendam* <sup>f</sup>, wherein the Pope ordained, *that the goods of heretikes should bee confiscated*, to wit, that he did not make this decree by his owne authoritie, but by the consent of the Emperour, who then was present at Padua, and consented therunto; So also it may bee answered, to the aforesaid three Canons, that those Popes not only by their owne authoritie, but by the tacite, and vertuall at least wise consent of the Emperour, and other Soueraigne Princes, did ordaine, that those subiects, who are obliged by any bond either sacred, or ciuill to inferiour, and not to Soueraigne Princes, should forthwith be freed from the same, if those Princes should either reuolt from the Catholike faith, or for any crime be excommunicated. For otherwise, if absolute and Soueraigne Princes be also according to our Aduersaries comprehended in these

*Canons,*

<sup>d</sup> l. lib. 3. de Legibus cap. 8.  
<sup>e</sup> De potest. Regia, & Papali cap. 10.  
<sup>f</sup> Extra de hereticis.

*Canons*, they must of necessitie acknowledge, which yet I thinke they dare scarcely affirme, that *Kings* and *Emperours* so soone as they either for heresie, or any other crime, doe incurre into the generall *Censures* of the Church, are presently without any particular declaration, or sentence of deprivation deprived in very deepe of their Regall authoritie, which is both against the continuall practise, which Popes do vse in deposing of *Princes*, and is also repugnant to the common vnderstanding of all men.

15. *Thirdly*, although wee should grant, that those *Canons* doe also include *Soueraigne Princes*, yet they may be answered in the same manner, as Cardinall *Bellarmino* <sup>g</sup> answereth the decree of Pope *Celestine* the 3, of which Canon *Alphonsus de Castro* <sup>h</sup> maketh mention, and withall affirmeth, that hee hath seene it in the ancient *Decretals* <sup>i</sup>, wherein the Pope did decree, and as the same *Alphonsus* relateth, did define, that the bond of Matrimonie is by heresie so dissolued, that it is lawfull for the woman, whose former husband became an heretike, to marrie another man; which doctrine now is flat hereticall, and condemned in the *Councell of Trent* <sup>k</sup>: I answered, saith Cardinall *Bellarmino*, that *Celestine* did determine nothing for certaine concerning that matter, but did answer, what seemed to him more probable. It is true indeede, which *Alphonsus* affirmeth, that the epistle of *Celestine* was once among the *Decretall Epistles*, but from thence it cannot be gathered, that *Celestine* made thereof a cleere *Apostolicall* decree, and out of the Chaire, seeing that it is manifest, that there be many other things in the *Decretall Epistles*, which do not make the thing to be of faith, but doe onely declare unto vs the opinions of Popes concerning that matter. In like manner wee may also answer, that those three *Decrees*, or *Canons* of the aforesaid Popes, doe either declare those Popes opinions, or are onely grounded vpon their private opinions. And truly vnlesse we answer thus, we must

<sup>g</sup> Lib. 4 de  
Rom. pont.  
cap. 14.

<sup>h</sup> Lib. 1. de hz-  
res. cap. 4.

<sup>i</sup> In Can. *Lauda-  
bilem de con-  
uers. coniug.*

<sup>k</sup> Sess. 24. can. 5.

must be enforced to affirme with *Philopater*, that *Soueraigne Princes* as soone as they reuolt from the Catholike faith, are presently, before any sentence of the Supreme Pastor denounced against them, deprived of their Dominions, and of all *Regall* dignitie and authoritie, and that all their subiects are by the law of God absolved from the bond both of their oath and also of allegiance, as out of the second decree of *Vrbannus* by euident consequence it may bee deduced, which neuerthelesse these our countrymen, who doe so vrge these *Canons*, will not, vnlesse I be deceiued, easily admit.

16. Neither ought any man to meruaile, that Pope *Gregorie* the seuenth, who was the first Pope that euer deposed the *Romane Emperour*, as *Godfridus*<sup>1</sup>, *Otho Frisingensis*<sup>m</sup>, *Trithemius*<sup>n</sup>, and *Onuphrius*<sup>o</sup> doe write, should also be of opinion, that he had power to absolue subiects from the bond of their allegiance. Neuerthelesse from this fact, or decree of Pope *Gregorie*, as also from the two other decrees of his Successors, who followed his example, it cannot certainly be gathered, that they had indeede such authoritie to absolue subiects from their allegiance, but only that they were of opinion, and did suppose at leastwise for probable, that *Christ* had giuen them that authoritie. As also, although some Popes of this age following the examples of their predecessors, yea euen of *S. Gregorie* the great, should by their *Decrees*, *Breues*, or *Apostolical letters*, registred also in the bodie of the *Canon law*, ordaine, that some eminent Priests, although they were not *Bishops*, should by the Apostolicall authoritie haue power to minister the Sacrament of *Confirmation* (as some such persons do in these daies by the speciall grant of Popes minister this Sacrament) neuerthelesse it could not from hence be certainly concluded, that the Pope hath authoritie to grant such licences, seeing that many learned Diuines, notwithstanding the decrees of such

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Popes,

<sup>1</sup>In Chronico  
part.17. ad an-  
num 1047.

<sup>m</sup>Lib 6. cap 35

<sup>n</sup>In Chron.  
Monast. Hir-  
saug ad annum  
1106.

<sup>o</sup>Lib.4.de va-  
ria creat. Rom.  
Pont.

<sup>p</sup>Lib.3.epist.26  
& habetur in  
can. peruenit.  
dist.95.

Popes, doe defend, that Christ hath not giuen to the Pope that authoritie.

17. In like manner, although some Popes, following the examples of their Predecessors, haue dispensed in the solemne vow of chastitie; yet from hence there cannot bee drawne a firme and solid argument to proue, that in verie deede such an authoritie hath been giuen them by Christ his institution, but at the most from hence it may bee gathered, that those Popes did perswade themselves, and at the least suppose as probable, that Christ did grant them such authority; which neuerthelesse doth nothing hinder, but that other Diuines, who moued with probable reasons doe hold the contrarie, may lawfully reiect the opinions of these Popes, and may, if neede require, with a safe conscience sweare, that they doe profess, testifie, beleue, declare, and in their consciences are resolved, that by Christ his institution no such authoritie hath been giuen to the Pope. And therefore notwithstanding this obiection, which some of our countrimen do so vehemently vrge, I may with all dutifull reuerence to the holie *Canons* lawfully sweare, that *I doe furthermore beleene, and am resolved in my conscience, that the Pope hath not power to absolue m- of this oath, or any part thereof.*

18. But because some of our countrimen doe wrongfully vpbraide vs with not bearing dutifull respect to the *Canons* of holy Church, in that wee denie that the Pope hath power to absolue the subiects of *Soueraigne Princes* from their allegiance, (from which imputation wee haue neuerthelesse both here, and elsewhere fully cleered our selues by answering sufficiently to all the decrees of *Popes*, and *Councils*) we thought it conuenient vpon so fit an occasion offered vs, to admonish briefly the learned Reader, that with all due honour and respect wee doe reuerence the *Canons* of the holy Catholike Church. Yet we must needes confesse, that betwixt the *Catholike Church*, and the *Pope*, who

is only the first and principall member thereof, betwixt some Chapters, or Decrees, of the Canon law, and betwixt others, wee make a great distinction; and neuertheless to euery one in his degree and place wee giue dutifull but not equall credit. For in the vast corps or great volumes of the Canon law are contained either *sayings*, and *assertions* of the ancient *Fathers*; or *sentences*, and *decrees* of *Popes*, or *Councels*; and these are either *doctrinall*, and which are propounded as things to be beleueed by the faithfull, or else *morall*, and which in the externall discipline of the Church are commanded to be obserued.

19. And *first*, the doctrine, which the ancient holy *Fathers* either in expounding the holy Scriptures, or in questions belonging to faith, haue with vniforme consent deliuered, we also doe vndoubtedly beleuee, as being certainly perswaded, that it was inspired by the holy Ghost; following herein the sage, & pious counsell of that renowned ancient writer *Vincentius Lirinensis* in that golden booke<sup>r</sup> of his, *whatsoeuer not one, or two only, but all* (the ancient *Fathers*) *together haue with one, and the same consent plainly, frequently, constantly held, written, taught, that must wee without all doubt beleuee.* Yet the authoritie of many holy *Fathers*, if others, although the fewer doe gainsay, we account to be no certaine, but onely a probable ground for Catholikes in matters of faith safely to build vpon. For, as well writeth *Melchior Canus*<sup>c</sup>, as there is one brightnes of the Sunne, another brightnes of the Moone, and another brightnes of the Starres, for Starre differeth from Starre in brightnes, 1. Cor. 15. So Ecclesiasticall writers are approued, who hauing receined light from the holie Ghost, haue giuen light vnto the Church. But yet there is one brightnes of *Matthew*, another of *Hierome*; one of *Isaias*, another of *Ambrose*. For Canonickall Authors, as high, celestiaill, diuine, doe keepe a perpetuall, and permanent constancie: But other holy writers are inferiour, and humane,

<sup>r</sup> For he wrote his book three yeers after the Councell of Ephesus, the yeere 434.  
<sup>c</sup> Aduerius prophanas nouitates, cap. 4.

<sup>c</sup> Lib 7. de locis cap. 3. nu. 7.

humane, and now and then are defective, and sometimes they doe contrarie to the conuenient order and course of nature, bring forth a monster.

<sup>r</sup> 1. Part. q. 1.  
art. 8. ad 1.<sup>m</sup>.

<sup>u</sup> Epist. 61. ad  
Theophilum  
aduersus Ioan.  
Hierosolym.

<sup>x</sup> Tom. 2. epist.  
19. ad Hicron.

20. And in this sense is to be vnderstood S. Thomas of Aquine<sup>r</sup>, when hee affirmeth, that the authoritie of holy Scripture is alleaged by Diuines, as a necessarie argument, but the authoritie of other Doctōrs of the Church as a probable. For, I know, saith S. Hierome<sup>u</sup>, that I doe otherwise esteeme the Apostles, otherwise other writers, those as alwaies speaking truth; these as men in some things erring. And againe S. Austin<sup>x</sup>, I haue learned, saith he, to giue this reuerence and honour to those onely bookes of holy Scriptures, which are now called Canonically, that I doe most firmly beleene, that no one of them hath by writing erred any whit. But others I do so reade, that, be they neuer so holy, and learned, I doe not thinke it to be true, because they thinke so, but because, either by those Canonically Authors, or by probable reason, they haue been able to perswade me, that it doth agree with truth.

<sup>y</sup> Lib. 7. de lo-  
cis cap. 3. nu. 9.

<sup>\*</sup> Aduersus pro-  
phanas nouita-  
tes cap. 39.

<sup>z</sup> Lib. 7. cap. 2.

21. Secondly, although we make no doubt, but that the doctrine also of all the holy Fathers in things, which doe not appertaine to faith, may piously, and probably be beleued by Catholikes, yet we are also of opinion with Melchior Canus<sup>y</sup>, & other Diuines, that it ought not of necessitie to bee followed, as certaine, and infallible. For, as well writeth Vincentius Lirinensis<sup>\*</sup>, wee ought with great diligence to search out, and follow the ancient consent of holy Fathers not in all questions of the diuine law, but only in the rule of faith. Those things are said to appertaine to faith, which Christ, or his Apostles haue deliuered to the Church by word, or writing, and which from thence by certaine, and euident consequence are deduced: But as the same Canus<sup>z</sup> very well affirmeth, those things, which wee neither haue receiued from Christ, or his Apostles, neither are certainly and plainly inferred from those things, which



wee hold from the authority of Christ, and his Apostles, doe not appertaine to faith; and therefore *they may without prejudice to faith, or piety bee unknowne not onely to the unlearned, but also to the learned men, for that they are neither assertions of faith, nor manifestly deriued from them.*

22. Among questions, which doe not belong to faith, *Cannus* relateth these; whether the *blessed Virgin* was conceived in originall sinne, or no. Whether *habinuall grace*, and other vertues as well *Morall*, as *Theologicall* are infused by God into our soules, and some others. And I also am of opinion, that among them is to bee numbred this controuersie concerning the Popes power to depriue Princes, and to absolute Subjects from their allegiance. For although it bee plainly said to Saint Peter, *Whatsoeuer thou shalt loose upon earth &c. and feede my sheepe*, yet cannot it from these places bee gathered by any necessary, but at the most by a probable consequence, that all manner of power to loose, and authority to chastize offenders with all kind of punishments is graunted to Saint Peter, neither that this is the true meaning of those words, hath it hitherto by any certaine definition bene declared by the Church, as I my selfe, and both the *Barclayes* haue heeretofore abundantly proved.

23. *Thirdly*, we also doe professe, that the definitions of *generall Councils* lawfully assembled, and confirmed by the *Pope*, wherein any doctrine is propounded to the whole Church to bee beleueed by all men as of faith, are to bee received by Catholikes as infallible rules of faith; most certainly perswading our selues with *S. Austin*, *that the sentences of a Generall Council*, to wit, in things which it determineth to bee beleueed as of faith, *is the consent of the vniuersall Church*. Neuerthelesse we do freely affirm, that those opinions, which in the saide Councils are defined or supposed onely as

*Lib. 1. de baptismo contra Donatistas. tom. 7.*

<sup>b</sup> Lib. 6. de lo-  
cis cap. 8.

<sup>c</sup> Lib. 2. de cōc.  
cap. 12.

<sup>d</sup> Tom. 3. Con-  
cil. part. 1. lib. 5.

<sup>e</sup> 3. Part. disp.  
103. cap. 5.

<sup>f</sup> 1. Part. q. 5.  
art. 1.

probable, and those assertions, which either incidentlie, and by the way are inserted, or for better declaration, & prooffe of their decisions be produced, are subiect to error, and may sometimes by Catholikes without any wrong to the Catholike faith be reiected. For the Fathers, saith Canus, <sup>b</sup> in a question of faith doe not alwayes bring necessary, but sometimes credible reasons, which if they be not necessary, not to say, apt, probable, convenient, we must not greatly stand thereupon. For wee doe not strive to defend the reasons alleged by Popes, and Councells, wherein sometimes they are deceived, as a point belonging to Religion. In the Councells, saith Cardinall Bellarmine, <sup>c</sup> the greatest part of the Acts doe not appertaine to faith. For neither the disputations, which goe before, nor the reasons, which are adioyned nor those things, which are brought to explicate and illustrate the matter, are of faith, but onely the bare decrees, and those not all, but onely such as are propounded as of faith: and sometimes the Councells doe define a thing, not as certaine, but as probable. Was it not defined in the seventh generall Councell, <sup>d</sup> that the Images of Angels might religiously be painted, and yet the reason of this decree, (which is there propounded by Tharasius, who tooke it from Iohn Bishop of Thessalonica, and which the whole Councell, saith Vasquez, <sup>e</sup> seemeth to approve) to wit, that the Catholike Church doth thinke that Angels haue bodies, and can be circumscribed, is now by the Scholastick Diuines iudged to be false; and Banner, & Zumel <sup>f</sup> are not afraide to censure it as temerarious, although they dare not reiect the decree it selfe and conclusion of the Councell, concerning the painting of the Images of Angels?

24. This neuertheless I would haue thee to obserue, good Reader, which I haue oftentimes in other places signified, that although I, professing my selfe to bee a child of the Catholike Romane Church, do most willingly embrace whatsoever generall Councells confirmed by the Pope, which doe represent the Catholike Church, doe pro-

propound to the faithful as necessarily to be beleueed of faith, and which certainly, and evidently is knowne to be the true sense, and meaning of the *Councils*, yet I doe not vndoubtedly beleuee every doctrine, which either Cardinall *Bellarmine*, (speaking with due reuerence) or any other Doctour, seeing they are not appointed by God to be an vndoubted rule of the Catholike faith, doe cry out to be Catholike Doctrine, to be the voice of the Catholike Church, to be the meaning of the Scriptures, and Councils, especially if other Catholike Doctours doe hold the contrary. Them truly, as it is meete, I doe reuerence with all dutifull respect, and I doe much attribute to their authority, but that all those collections, which they in their iudgements doe imagine, may be evidently concluded out of holy *Scriptures*, or *Councils*, (considering that oftentimes they are deceiued, and doe deceiue, and what they haue written, when they were younger, they may recal, when they grow elder) are to be accounted for vndoubted assertions of faith, and the contrary opinion of other Catholikes to be rather esteemed an heresie, then an opinion, this truly I cannot take in good part.

25. Fourthly, concerning the *Canons* or *Decrees* of *Generall Councils* belonging to manners, and the externall gouernment of the Church, wee are most ready, and willing to receiue all those decrees, which in the places where we liue are generally received. For these are properly called the *Decrees* or *Canons* of the *Catholike* or *vniversall Church*, which are by common consent admitted by the *vniversall Church*. Neither doubtlesse is any *Catholike* bound to admit those lawes and precepts, which in the country where he liueth, are not observed by the people, according to that saying of *Gratian* recorded in the *Canon Law*. *Lawes are enacted, when they are proclaimed; they are established when by the practise of those, who vse them, they are approoued.* And this opinion, saith Iohnnes *Azurius* <sup>h</sup> the Iesuite, with whom

<sup>e</sup> Dist. 4. can. in  
ill. §. reges.  
<sup>h</sup> Tome 1. n.  
tit. lib. 3. cap. 4.

<sup>i</sup>In summa cap.  
23. nu. 41.

<sup>k</sup>Lib. 2. variar.

Resolut. cap. 16

nu. 6.

<sup>l</sup>Tom. 2. disp. 7

q. 5. punct. 3.

q. 4.

<sup>m</sup>L. b. 3. The-

saui cap. 5.

nu. 24.

<sup>n</sup>Disp. 12. de

Leg. sec. 1.

<sup>o</sup>Lib. 4. de

Leg. cap. 16.

concl. 3.

<sup>p</sup>Cap. 3. sec. 3.

nu. 13.

whom <sup>i</sup>Namarrus, <sup>k</sup>Conarrunnias, <sup>l</sup>Valentia, <sup>m</sup>Sayrus, <sup>n</sup>Salas, <sup>o</sup>Snarez and others doe accord, is agreeable to the Canon, and Ciuill law; to wit, that a Law both Ecclesiasticall, and Ciuill, although it be enacted by lawfull authority, and rightly proclaimed, is not of force vnlesse by custome it be receiued.

26. And so the *Kingdome* & *Prelats* of France would not receiue certaine decrees of the *Councell* of Trent, among which was that before rehearsed, wherein *Kings* and *Princes* were forbidden to permit single combat vnder paine of forfeiting the City, or place where by their sufferance it was fought. *This article*, say they, is against the authority of the *King*, who cannot be deprived of his temporal dominion, in regard whereof he acknowledgeth no *Superiour* at all.

27. And truly in my opinion those *Prelats* of France, who apprehended that the aforesaid decree of the *Councell* did containe not onely *Princes*, who were feudaries to the Church, but also absolute, and *Seneraigne* *Princes*, as is the *King* of France, (in which sense also many others vnderstand this place) would not for these causes receiue that decree, either for that they thought it was enacted not absolutely, but vpon presumption, and hope that *Princes* would ratifie the same, and so conditionally if *Princes* would give their consent therunto; or which I iudge to be more probable, for that they supposed, that the *Councell* in making that decree, did relye onely vpon a probable opinion, concerning the authoritie of the spirituall power to dispose of temporalls for the spirituall good, which opinion, sith that it is onely probable, and might tend to the great preiudice of the *King* of France, and of other *Princes*, the *Prelates* of France were not bound to follow. But what causes are to bee accounted iust, and lawfull for the which any *Kingdome* or *Prouince* is not bound to admit the *Canons*, or decrees of a *Generall Councell*, it is no fit time to examine at this present; it being now sufficient. that

that, according to all Diuines, and Lawyers, although their may perchance, some fault be committed by them who at the first doe not receiue the decree of a *Councell* after it be lawfully proclaimed, yet afterwards it hath no force to bind, if either by sufferance or contrary custome not punished it be not obserued.

28. Lastly, what wee haue said concerning the definitions, and decrees of Generall Councells may with farre greater reason bee proportionably applyed to the definitions, and decrees of Popes, and Prouinciall Councells; especially considering that many learned Diuines, with almost the whole Vniuersity of Paris, as in the Preface to our Apologeticall answer, & we haue already said, and beneath we will repeate again, are of opinion, that the Popes definitions, and decrees, if hee define without a Generall Councell, are subiect to error; and that the infallible assistance of the holy Ghost was promised to S. *Peter*, and his successours, as he being head, doth in defining matters of faith concur with the whole body of the Church, which a General Councell doth represent. And thus much concerning the answer to the third obiection of our countymen against this fifth branch of the oath.

¶ nu. 27. et seq.  
¶ cap. 10. sec. 2.  
nu. 27.

## Sect. IIII.

I. **F**ourthly, some obiection against those words, [*nor any person what soeuer hath power to absolve me of this oath, or any part thereof*] which words being generall doe seeme to exclude all persons, and consequently the King himselfe. Wherefore according to these words I am bound to sweare, that neither the Pope, nor the Kings Maiesty hath power to absolve me from this oath, or any part thereof, which doubtlesse is altogether repugnant to truth, for that the same authority, which hath power to make a law, hath also power to dispense therein, or to absolve one from the obligation thereof: therefore this clause cannot bee ta-

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<sup>r</sup> Cap. 1. sec. 2.  
et seq.

*ken without manifest periurie.*

2. To this obiection supposing that, according to the rules before related out of *Suarez*, the true and common meaning of the words of any law is to bee gathered from the circumstances, the end of the Law, and especially from the intention of the Lawmaker, it is answered *first*, that whensoever a Law doth bind in generall words all persons whatsoever to obserue the same, those words are in common speech to be vnderstood only of such persons, which are subiect to the Law-maker, and not of other persons, who are not subiect to him; nor of the Law-maker himselfe, for that, according to the most certaine, and approoued rule of all Diuines, and Lawyers, the power of commanding, or Lawmaking, is in a Superiour towards his inferiour, and consequently not towards himselfe, or his equall. In like manner also when any law in generall words affirmeth, that no person whatsoever hath power to dispense at any time in that Law, or to absolue any man from the bond thereof, those words are in common speech onely to bee vnderstood of those persons, who are inferiour to the Law-maker, and not of the Lawmaker himselfe, or his Successour, who is of equall authority with him. For both these, as they haue authority to make the Law, and also to repeale the same, so also according to the common vnderstanding of men they haue authority to dispense in the same, or to absolue any man from the obligation thereof. Whereupon very well said *Salas* before <sup>r</sup> related in a generall speech the person, who speaketh, is vnderstood to be excepted.

<sup>r</sup> cap. 1. sec. 3.  
nu. 4.

3. Wherefore in this oath of allegiance, which is imposed by his maiesties Law, those words [*nor any person whatsoever hath power to absolue me of this oath*] ought in common speech to bee vnderstood in this manner, that no person except the King himselfe hath power to absolue me fro this oath. For otherwise if those words [*nor any person whatsoever*] were to bee vnderstood in their whole



whole generality without any exception, from thence it might rightly be inferred, that by vertue of this clause we are bound to sweare, that no person either humane, or deuine hath power to absolue me from this oath, or any part thereof; And yet, according to the approoued doctrine of all Lawyers, whensoever the words of a law doe sound in such sort that they may be taken in a good or euill sense, they ought to be applyed to that sense, (although otherwise it bee improper) wherein the Law containeth no iniustice, or absurdity; for this is presumed to be the intention of the Lawmaker, whose meaning is to make a true Law, whereas an vniust, absurd, or vnreasonable Law is to bee accounted no true Law. Whereupon in a doubtfull Word of the Law, saith the law: *"That sense is rather to be taken, which is not faulty, especially seeing that thereby the meaning also of the Law may be gathered."*

4. Secondly, if we will interpret all the words of this oath, in such rigorous a manner, as these seuerer Censours doe wrest them, it is also lawfull to sweare, that as the King alone without the *Parliament* hath not, according to the vsuall custome of this Realme, power to enact Lawes, so also neither hath he alone without the *Parliament* power to absolue from the Lawes, but this power appertaineth onely to the Law-maker, who is the King & *Parliament* together. The penalty imposed by the Law doubtlesse he may remit, but the Law it selfe according to the custome of this Realme he cannot disannull. And so he hath power to absolue those, who refuse to take the *Oath*, from the punishment appointed by the Law, but from the obligation to performe those things, which one hath promised by this *Oath*, he together with the *Parliament*, or rather neither hee, nor the *Parliament*, as shall appeare beneath, \* hath power to absolue. Now by these words, *nor any person whatsoeuer*, are properly vnderstood onely singular persons, and not a community, or *Parliament*. As the anci-

<sup>u</sup> Leg. in ambigua F. de legibus.

x nu. 6. and, 7.

ent Diuines of *Paris* doe in this sort expound those words, *The first See is iudged by no man*, to wit, that no particular person hath power to iudge the first *See*, which neuerthelesse is no let, say they, but that a *Generall Councell* hath authority to iudge the first *See*.

5. I said a little before [according to the vsuall custome of *this Realme*] because I doe not intend to affirme, or to deny any thing concerning his *Majesties* absolute power, and prerogatiue, but only to satisfie this present obiection I thought good brieflie to insinuate what is the present custome of this kingdom in the establishing of lawes. But whether this custome did first proceede from the Kings free grant, or from the common wealth limiting the *Regall* authority, I leaue to others to discusse. It may onely at this present suffice to rehearse, what *Iohn Stow* in his *Chronicle* hath written in this matter. *This yeare, saith Stow, on the nineteenth day of Aprill K. Henry called a Conncell of the States of this Realme, both of the Prelates, Nobles and Commons to Salisbury, there to consult for the good gouernment of the Common Wealth, and the waighty affaires of the same, which Councell, taking the name, and Fame of the French, is called Parliament. And this doe the Historiographers note to bee the first Parliament in England, and that the Kings before that time were neuer wont to call any of their commons, or people to Councell, or Law-making, &c.*

Thirdly, it is euident, that those, who doe so much insist vpon this obiection, do seeke rather to cauil, then really to except against this clause. For that according to the common opinion of them, who are so vehement against this *Oath*, an *Oath* being a sacred, and spirituall bond, it belongeth onely to the spirituall power, as to Bishops; to absolute or dispense therein, and to release directly the spiritual obligation, in which releasing these Doctors will haue dispensing, and absolving from *Oaths* properly to consist. Therefore if wee will speake properly and according to the common vnder

7 In the life of  
K. Henry the  
first in the. 16.  
yeare of his  
Reigne, and of  
our Lord. 1116.

derstanding of those, who doe vige this obiection, neither the *King* himselfe, according to their doctrine, hath power to absolue from this oath, that is, hath power to release directly the spirituall obligation therof. He may indeed release an *oath* made vnto him, by taking away the matter of the *oath*, as Parents may with the *oaths* of their Children, a Gardian with the *oaths* of his Ward, an Abbot with the *oaths* of his Monkes, and euery priuate man may remit an *oath* made vnto him; but to dispense in *oaths*, or to absolue from them (taking dispensation, and absolution in that sense, wherein these impugners of the *oath* doe take them) no temporall power hath authoritie. Wherefore the Diuines doe make a great distinction betwixt dispensing, and absolving from an *oath*, and betwixt annulling, or releasing of the same, and doe affirme, that to annull, and release an *oath*, a temporall power may suffice, but to absolue, or dispense therein, a spirituall iurisdiction is of necessitie required.

7. *Fourthly*, supposing that the common meaning of these words, [*to absolue me from this oath*] is not to dispense with me, that I shall not take this *oath*, but to absolue me from the obligation of performing those things, which I haue sworne to performe, it may also be answered, that although it were granted, that the *King* hath power to absolue me from the bond of taking this *oath*, yet neither the *King* nor *Parliament* hath power to absolue me from this *oath* once taken, or which is all one, can giue me leaue not to performe those things, which I haue by this *oath* promised to performe. And the reason is manifest, because there bee three only things, as I haue said before<sup>2</sup>, contained in this *oath*, which the swearer promiseth to performe, to wit, *to beare faith, and true allegiance to his Maieslie, to defend him from all Treasons, and to disclose them, when they come to his knowledge*; but all these are by the law of God and nature commanded to subiects, therefore nei-

<sup>2</sup> In this chap.  
sect. 1. nu. 9.

ther the *King* nor *Parliament* hath power to absolue me from the performing of the aforesaid three things; or which is all one, can giue me leaue not to beare true allegiance to his Maiestie, nor to defend him against treasons, and not to disclose them, when thereby great danger to his person or State may arise, seeing that they haue no power to absolue me from the obligation of the law of God and nature.

*Sett. V.*

1. **T**He fifth, and last obiection, which is insinuated by *Antonius Capellus*, is against those first words of this branch, *I beleene, and in conscience am resolved, that neither the Pope, &c.* which words do seeme to signifie a diuine, and supernaturall beliefe, with which beliefe nothing ought to be beleened, but that, which is defined as most certaine by the Catholike Church; but that the Pope hath not power to absolue me from this oath, doth not appertaine to the Catholike faith, but rather the contrarie, (if we will giue credit to Cardinal *Bellarmino*, *Gretzer*, and *Lessius*) doth belong to faith, therefore I cannot without periurie sweare, that the Pope hath not power to absolue me from this oath.

2. To this obiection it is answered, by denying, that this word, *I beleene*, is taken in this branch for supernaturall beliefe, but only for morall credulitie, and perswasion, whereof in common speech it is vsually vnderstood. And this partly may sufficiently appeare by the whole scope and tenour of the oath, wherein is onely exacted of vs a true and sincere testification, acknowledgement, and declaration, how in our consciences we are perswaded concerning the Popes authoritie to depose our King, to dispose of his dominions, to discharge his subjects of their obedience, and to absolue them from this oath, &c. partly it is manifest by the words following, [*and in conscience I am resolved*] which are a declaration

tion of the former, and which were altogether superfluously, and vainly added, if they should import lesse, then the word, *I beleene*; euen as one should say, *he is a man, and a sensible creature, I know it most certainly, and also I thinke it to be so*. For as, according to our English phraze, *not to be resolved in conscience* to say, or doe any thing, doth at the most signifie an inclination of the minde to say, or doe that thing mixt with some waucring, or doubt of the contrarie, but not a full assent, or perswasion thereunto; so *to be resolved in conscience* to embrace such a doctrine, importeth onely a full assent, and approbation of that doctrine, which approbation only requireth a *moral credulity*, and not a *supernatural beliefe*, or a cleere demonstration of that doctrine.

3. *Moreover*, whensoever any word contained in a law hath a doubtfull and ambiguous signification, to know in what sense it ought to bee taken, many rules are assigned by the Lawyers, concerning which, as wee haue said before, \* the end, and matter of the law, the circumstances precedent, and following, and the intention of the Law-maker are to bee considered. The end of this *oath*, established by the *Kings* law, which is expressed in the *Preamble* thereof, as the ends of all lawes are vsually expressed, is *to make triall how his Maiesties subiects stand affected in point of their loyaltie, and due obedience*, which their affectio may sufficiently be made knowne by a *morall credulitie*, to wit, if they beleene, and without any doubt perswade themselues, or, which is al one, are resolved in their consciences, and this their sincere credulitie, perswasion, and resolution they doe confirme by *oath*, that the Pope hath not power to depose the *King*, to discharge his subiects of their allegiance, and to absolue them of this *oath*, or any part thereof, &c. The matter, or thing, which in this branch of the *oath* we are compelled to *beleene*, to wit, *that the Pope hath not power to absolue me from this oath, or any part thereof*, doth not appertaine to the Catholike beliefe,

but

\* cap. 1. sec. 2.

but that among Catholikes there is a cōtrouerſie here-  
of, the *King* and *Parliament* knew very well. And there-  
fore according to the certaine, and approued rule of in-  
terpreting lawes, it is alwaies to be presumed, vnleſſe  
the contrarie doe cleerely appeare, that the Law-maker  
did not intend to binde vs by *oath*, to *beleene* that with  
*ſupernaturall faith*, which with that *faith* is not to bee  
*beleened*, but that he only deſired this, that hee might be  
aſſured of our ſincere perſwaſion, and firme reſolution  
concerning this claſe of the *oath*. Which general rule,  
to wit, that wee muſt not, if it may bee, interpret the  
words of the law in an abſurd, or vnlawfull ſenſe, all  
Diuines and Lawyers doe ſo vaderſtand, that if the  
words of the law, being taken in their proper ſignifica-  
tion, do containe any vnlawfull, or inconuenient thing,  
they ought to be transferred to an improper, and meta-  
phoricall ſenſe, becauſe it ought alwaies to be preſu-  
med, as much as may be, y the Lawmaker did not intēd  
to binde vs to any vnlawfull thing. And truly, if thoſe,  
who ſo vehemently impugne the *oath*, had diligently,  
and dutifully conſidered this rule, they might doubt-  
leſſe haue made a more fauourable conſtruction of ma-  
ny words contained in this *oath*, againſt which it is too  
too manifeſt, that with more rigour, then is fitting, and  
with leſſer ſoliditie, then beſeemeth ſo excellently lear-  
ned men, they haue excepted.

## CHAP. VII.

*The ſixth branch of the Oath.*

**W**hich oath I acknowledge by good, and full au-  
thoritie to be lawfully miniſtred vnto me, and  
doe renounce all pardons, and diſpenſations to  
the contrarie.

Sect.



## Sect. I.

1. **A**gainst this branch many exceptions are vsually made, al which may be reduced to five principall heads. The first is, *that the King hath no good, and full authoritie to command his subiects to take an unlawfull and false oath; but this oath is unlawfull, and doth containe in it many false propositions, as appeareth by the precedent obiections, and by those which follow, shall also be made more manifest.*

2. To satisfie this obiection no other answer is required, but by answering all the arguments, which may be objected against any particular clause of the oath, to the greater part whereof we haue already answered, and the residue, God willing, wee will in due order satisfie.

## Sect. II.

1. **T**He second is, *that our King hath no good, and full authoritie in spirituall matters, vlesse wee will grant, that hee is supreme head, and Gouvernour of the English Church, as well in causes Ecclesiasticall, as in temporall, but in this oath many spirituall things are contained: Therefore, &c.*

The Maior proposition needeth no prooffe, but is supposed as certaine, and granted by all Catholikes. The Minor is by diuers men diuers waies confirmed. And first Cardinall Bellarmine proueth the Minor in this manner: *Whofoener (saith he) <sup>a</sup> affirmeth, that this oath is lawfully ministred unto him by good, and full authoritie, doth also affirme, that the King, by whom this oath is proposed, hath supreme power in spirituall things, seeing that he acknowledgeth in him full authority to command, that the Popes Excommunication, or declaration be condemned.* The same obiection Lessius doth insinuate, as

<sup>a</sup> In Respons.  
ad Apolog.  
pag. 11.

<sup>b</sup> Cap 4 sect. 1.  
nu. 1.

<sup>c</sup> In Comment.  
Exceget. cap. 6.  
pag. 102. & seq.

<sup>d</sup> Pag. 103.

<sup>e</sup> Pag. 105.

we before<sup>b</sup> out of his English *Recapitulator* haue related.

3. And to the same effect are those foure arguments of *Gretzer*<sup>c</sup>, whereby he endeoureth to proue, that in this oath is included a manifest deniall of the Catholike faith.

For his first argument is, *that in this oath is denied, that the Pope hath any iurisdiction ouer the Churches of England, Scotland, Ireland.*

The second is, *that therein is affirmed, that King Iames, and not the Pope is the supreme head of the Christians in great Britannie, euen in Ecclesiasticall, and spirituall causes.*

The third is, <sup>d</sup> *that therein is also denied, that the Generall Pastor of the Vniuersall Church hath power to re-straine, and punish wolues, who with rauening mouths doe assault, disperse, and destroy the flocke of Christ.*

Lastly, his fourth argument is, <sup>e</sup> *that in this oath is affirmed, that King Iames is vniuersally without any exception to be obeyed in all things, which he attempteth, although they be ioyned with the ouerthrow of the Apostolike and Catholike religion.*

4. And truly if these assertions were contained in this oath, as *Gretzer* ouer confidently, to say no more, doth affirme, no man doubtlesse could denie, but that this oath, as impious, sacrilegious, and cleerely repugnant to Catholike faith, ought to be condemned by all Catholikes. But, fie for shame, these his foure most false assertions he deduceth from principles partly cleerely false, and partly greatly controuerted, and which, if they were freely granted him, were not sufficient to inferre these his foure propositions. To wit, *because in this oath (saith he) is affirmed, that the Pope hath no iurisdiction at all in any case ouer the king, or his subiects, so that he can neither depose, nor excommunicate the King, nor absolue his subiects from the bond of their allegiance, nor binde them to obey a iust Excommunication, what soeuer*

at

at all he doth to the preiudice, yea and overthrow of the Catholike, and truly Christian, and Apostolike faith. For this is the expresse intention of the oath, neither can it ever be so shadowed with any colourable shew of words, but that it may cleerely appeare.

5. Truly I cannot wonder enough at the wonderfull boldnes of this man, otherwise learned, who with such confidence, & with so great vehemencie of words is not afraid to auouch things, which are so evidently false. For *this oath* doth not affirme, as we haue shewed before<sup>f</sup>, that the *Pope* hath not power to excommunicate the *King*, or that the Subiects are not bound to obey a iust *Excommunication*, and much lesse, that they may lawfully contemne it, as Cardinal *Bellarmino* saith; betwixt which two, to wit, not to obey a iust excommunication, and to contemne it, a great difference is to be made. But the *oath* doth onely affirme this, that although the *King* be excommunicated, yet hee is to be obeyed in ciuill matters, for that *Excommunication*, being only a spirituall Censure, hath not force to depriue Princes of their temporall kingdomes, and dominions, or, which is all one, of their Regall authoritie, and consequently not to take away the temporall obedience, which is due to Princes by the law of God and nature. Besides this it also affirmeth, that the *Pope* hath not power to depriue Princes, and therefore neither to discharge Subiects of their allegiance, or to absolue any man from this *oath*; But this is not to denie the Catholike faith, as wee haue partly here before<sup>g</sup>, partly in other places<sup>h</sup>, and partly hereafter<sup>i</sup> will more abundantly shew.

6. Secondly, *Gretzer* in all his foure arguments doth cunningly ioyne *deposition* with *Excommunication*, as though whosoeuer denieth, that the *Pope* hath power to depose Kings, is consequently bound to denie, that he also hath power to excommunicate Kings, which *Lessius*, as wee haue scene before<sup>k</sup>, doth ouer boldly auouch,

<sup>f</sup> Cap. 4. sect. 1.

<sup>g</sup> Cap. 3. & 6.  
<sup>h</sup> In Apolog. & Respons Apo-  
log.

<sup>i</sup> Against Doctor *Schulkenius*.

<sup>k</sup> Cap. 4. sect. 1. nu. 1. & 7.

uouch, whereas many very learned Diuines, and two also very famous Iesuites, *Suarez*, and *Becanus*, doe in plaine words teach the contrarie, and moreouer many Catholikes, who, although they dare not deny the *Popes* power to excommunicate Kings, yet they are not afraid to deny his power to depose Princes, and to absolve subiects from their allegiance. And truly in my opinion it is greatly to be wondred at, that men, otherwise so excellently learned, in matters of so great importance as to establish new articles of faith, and to withdraw faithfull subiects from taking an *oath* of allegiance, and that to the perpetuall temporall ouerthrow of themselves, and their whole posteritie, should not be fearefull to bring such exorbitant, paradoxicall, and sophistical arguments, which to euery man but meanelly learned doe euidently seeme to bee most weake, in so much that our countrimen, who doe not disallow the *oath*, are thereby rather confirmed in their opinion, and those, who disallow it, and are very desirous to deuise some solid argument, which they may obiekt against it, to see such childish collections, I speake with due respect, are greatly ashamed.

7. For what man is there of so meane vnderstanding, who at the first sight cannot perceiue the weaknes of these inferences?

*In this oath is denied the Popes power to excommunicate, and depose the King; therefore in this oath is denied, that the Pope hath no iurisdiction, euen spirituall, ouer the Churches of England, Scotland, Ireland.*

Secondly, in this oath is affirmed, that the King cannot be excommunicated, that he cannot be deposed: therefore therein is affirmed, that King *Iames*, and not the Pope is the supreme head of the Christians in great Britannie, euen in Ecclesiasticall causes.

Thirdly, in this oath is denied, that the King can be excommunicated, that he can be deposed: therefore therein is denied, that the vniuersall Pastor of the Church hath  
power

power to restrain, and punish hereticall Kings.

Fourthly, in this oath is affirmed, that the King cannot be excommunicated, that he cannot be deposed, therefore in this oath is affirmed that King James must universally without exception be obeyed in all things, which he doth attempt, although they be soyned with the overthrow of Catholike Religion.

8. For all the antecedent propositions, for so much as appertaineth to the power of excommunicating, are evidently false, as we before against Card. Bellarmine have manifestly proved. And if they were only understood of the power of deposing (besides that this power of deposing cannot be certainly confirmed with any solide prooffe) it is also too too apparant, that the consequents are not rightly inferred from the antecedents. For in *Gretzers* first argument the consequent can no waies be deduced from the antecedent. For although one should auerre, that by the peculiar privilege of God Kings are exempted from the coerciue power of the Pope, yet from thence it would not follow, that the Pope had no spirituall iurisdiction ouer any of the Kings Subiects. For the Pope cannot excommunicate an infidell Prince, neuer thelesse he hath spirituall Iurisdiction ouer the Christians, who are subiect to that Prince. How much the more will this inference be insufficient, if we speake onely of the Popes power to depose a Prince? Secondly, the consequence also of the second argument is no lesse false, especially if the antecedent proposition be understood of the power to depose. And although we should grant, that the antecedent proposition concerning also the Popes power to excommunicate were true, yet it is not from thence rightly inferred, that y King, & not the Pope, is supream head of the Christians in great Britannie, even in spirituall causes, as appeareth also in Heathen Princes, who cannot be excommunicated, and yet the Pope is the Supream Pastour in spirituall causes of all the faithfull, who are subiects in their dominions.

Furthermore, in the *third* argument the antecedent proposition, for so much as concerneth the *Popes* power to depose, doth not rightly infer the consequent: for it is a fallacious arguing from a particuler to an vniuersall. As, for example, the Pope cannot punish *Kings* with this punishment, therefore he cannot punish *Kings*. The Pope may indeede, according to Catholike doctrine, punish hereticall *Kings* with spirituall punishments, but whether he hath power to punish them with temporall punishments is the very question which is now in controuersie. Lastly, the consequence of the *fourth* argument, although wee should grant both parts of the antecedent propositions, is so euidently false, and absurd, that I am almost ashamed to repeat it, in so much that it is a wonder, how so learned a man did not greatly blush to publish it to the whole Christian world for proouing a thing of so great importance. I would willingly also, that *Greizer* would sincerely answere vs, whether the selfe-same arguments, which hee hath framed against this oath, he might not alleage in the selfesame tearmes against that doctrine of the *Kingdome* of *Fraunce* about<sup>1</sup> related out of *Petrus Piribani*, that the Pope hath not power to deprive the King of *France* of his *Kingdome*, and notwithstanding any excommunications, and so forth, to condemne it as flat hereticall, and containing a manifest denyall of the Catholicke faith,

<sup>1</sup> Cap. 3. sect. 3.  
nu. 13.

10. Secondly, others proue the aforesaid *Minor* proposition by this argument. To determine, and define what the Pope can do, or cannot do in spiritual causes, what power he hath to depose Princes, to discharge Subiects of their allegiance, and to absolve from oaths, what force Excommunication hath, and what effect it worketh, & to conclude, what position is hereticall, or not heretical, are all spirituall causes, but the King doth in this oath determine, & define all the aforesaid things, therefore many spirituall matters are contained in this oath. This argument is insinuated by that



that namelesse Doctor, <sup>m</sup> who falsly chargeth my *Apolo-*  
*gie* with *heresie*, and *Ethnicisme*, but it is somewhat more  
 largely vrged by *Lossius*, <sup>n</sup> as appeareth by his English  
*Recapitulator*.

II. To this *obiection* it is answered, by denying also  
 the *Minor* proposition. For the *King*, and *Parliament*  
 doe not determine, and define, what spirituall power  
*Christ* our Lord hath granted to *S. Peter*, and his Succes-  
 sours, but they knew right well, that there is a great  
 controuersie among Catholikes concerning the *Popes*  
 power to depose *Princes*, and to absolue Subiects from  
 the oath of their alleageance: and that some do affirme,  
 that the *Pope* hath power to depose *Princes*, and to dis-  
 charge Subiects of their obedience, although it be con-  
 firmed by oath, and that others doe vterly denye the  
 same: that some also doe affirme, that *Excommunicati-*  
*on*, if not directly, at the least indirectly, and by conse-  
 quence, hath this effect, to deprivie *Princes* of their tem-  
 porall Iurisdiction, and that others, with the greater,  
 and better part of Diuines, doe vterly denye the same.  
 and because the former opinion was neither in practise,  
 nor speculation knowne to the Primitiue Church (as far  
 as wee may coniecture by the histories of those times)  
 and besides that it hath giuen no little occasion of great  
 tumults both in this Kingdome, and in other parts of  
 the Christian world, the King and Parliament, who re-  
 present the whole body of the common-wealth, and e-  
 uery member therof, thought it conuenient for preuen-  
 ting of future tumults, and conspiracies, which they  
 thought otherwise would probably ensue, that the la-  
 ter opinion should be followed, and embraced of al the  
*Kings* Subiects, and that therof a publicke, and sincere  
 profession, testification, and declaration should with a  
 solemne oath be made by all men. As also the *Dollors*  
 of Paris, although they knew right well, that there was  
 a vehement controuersie among Catholikes, whether  
 the most blessed Virgin *Mary* was conceiued in origi-  
 nall

<sup>m</sup> Nu. 25. of his  
 letter.

<sup>n</sup> Nu. 220.

• Pag. the last.  
 § Sixthly.

nall sinne, neuerthelesse they bound all the professours of Diuinity vnder certain penalties proper to their community, that they should not publickely preach, nor teach, that shee had contracted originall sinne, and yet they did not intend thereby to decide, and define that controuerſie, but onely to declare their great liking of the one opinion, and their great dislike of the other.

<sup>p</sup> In Commēt.  
breui the year.  
1501.

12. *This year 1501. saith Surinus, p the Theologicall facultie of the vniuersitie of Mentz, imitating the decree of the Councell of Basil, and also the Diuines of Paris, and of Colen, did make this decree & ordinance, that it should be altogether held, that the most blessed mother of God was conceived without the spot of originall sinne, and that by a speciall priuiledge; and did strictly ordaine, that none hereafter should in that Vniuersity bee promoted in sacred Diuinity, vnesse hee did before by oath make promise, that hee would neither maintaine in his minde, nor in any wise approve the contrary opinion.* May we therefore from hence rightly conclude, that those *Doctors* intended to define that opinion as certaine, which Pope *Sixtus* the fourth not long before had by a particular *Bull* <sup>a</sup> declared to be vncertaine, and controuerted, and that the contrary might be defended without mortal sinne, and which also innumerable Diuines of those times did thinke not to be so probable, as the contrary?

<sup>a</sup> Dated the  
year. 1083.  
which is in the  
fourth tome  
of the Councells  
after the life of Pope  
*Sixtus* the  
fourth.

13. *Secondly, these, who do vrge this argument, wil scarcely, as I thinke, deny, that the King and Parliament may, to auoid probable dangers of future Conspiracies, compell all his Maiesties subiects, to profess, testifie, acknowledge and declare by oath, that the Pope is not by Christ his institution the direct Lord of this Kingdome, nor that our King is the Popes Subiect, Vassall, and Vicar in temporalls, and neuerthelesse the Canonists doe so vehemently defend this direct dominion of the Pope in temporalls not only ouer this kingdome, but also ouer the vniuersall Christian world, that some of them<sup>e</sup> doe thinke it flat heresie to deny the same.*

<sup>e</sup> Bartholus F.  
de requir. reis.  
leg. 1. §. 1.

Yet

Yet from hence it cannot rightly be gathered, that the King should arrogate to himselfe spiritual power to define, what spirituall Iurisdiction is by *Christ* his institution granted to the *Pope*. And from hence it doth evidently appeare, *that the deniall of that Papall power, which is a sacred thing and given from above, and which no mortall man can take away or diminish is not denied in this oath*, as Cardinal Bellarmine<sup>c</sup> doth vnworthily auerre; for this power is expressely found in the word of God either written or deliuered to the Church by tradition, or by euident consequence deduced from thence, & which therefore all Catholikes doe professe to appertaine to the Catholike faith; but that only power of the *Pope* is denied in this *oath*, which without any preiudice of faith may by Catholikes be lawfully denied. As also that power of the *Pope*, which the Canonists doe with might, and maine defend *to be a sacred thing, and given from above*, Cardinall Bellarmine<sup>c</sup> is not afraid to diminish, take away, and vterly denie as a prophane thing, and not given from above, but inuented by man.

14 Now concerning the last part of this argument, we answer, that it is not *determined*, or *defined* in this oath, what proposition is *hereticall*, neither is this position, *Princes which be excommunicated, or deprived by the Pope, may be deposed by their subiects, or any other whatsoever*, abiured as *hereticall*, but only by this oath we are compelled, as hath beene shewed before, <sup>a</sup> to abhorre, detest, and abiure this doctrine, and position as *hereticall*, and heretofore defined, determined, and condemned by the Church, *that it is in the free power of the subiects, or any other whatsoever, to depose, or, if they will to murder Princes, which be excommunicated, or deprived by the Pope*.

15 And if any one reply, *that it doth not belong to the ciuill power, to compell any man to abiure heresie, it being a spirituall offence, and therefore only belonging to the spirituall power*.

<sup>c</sup> In Respons.  
ad Apolog.p.8.

<sup>c</sup> Lib. 5. de Rō.  
Pont.cap.1.et  
seq.

<sup>a</sup> Cap.5.sect.2.

\* 23. q. 5. can.  
Principes. et  
Concil. Triadēt  
scil. 25 can. 20.  
de Reformat

\* Lib. 5. de Rō.  
Pot. t. cap. 7. in  
5 ratione.

\* Lib. 11. aduer.  
sus heret. cap. 8

It is answered first, that although it doth not appertaine to the ciuill power, to determine, and define what position is hereticall, or not hereticall, or to punish heretikes with spirituall punishments (because these are meereley spirituall causes) yet it can not be denied, but that it belongeth to Christian Princes, at least wise as they are appointed by God to be protectours of the Church, to roote out heresies by meanes of the temporall sword, which is proper to the ciuill power, to punish heretikes, to defend the Church from all manifest wrongs either temporall, or spirituall, and to command, and procure all those things, which are necessarie to hir preservation, and neuerthelesse they shall not be said therefore to vsurpe the iurisdiction of the Ecclesiasticall power. The Pope saith, Cardinall Bellarmine y<sup>e</sup> way, and ought to command all Christians those things, to which euery man is bound according to his state, that is, to compell all men, to serue God, as they are bound according to their state, but Kings are bound to serue God, by defending the Church, by punishing heretikes, and schismatikes, as Saint Augustine teacheth in epist. so. ad Bonifacium, Leo epist. 75. ad Leonem Augustum, et Gregorius lib. 2. epist. 61. ad Mauritium. Therefore that saying, which Alphonsus de Castro affirmeth of a Bishop, Colledge, or Prouinciall counsell, may in like manner, obseruing the proportion of temporall punishments, be applied to temporall Princes. But although saith he, a Bishop, Colledge, or Prouinciall counsell hath not power to define matters of faith, in those things, which may worthily be doubted of, neuerthelesse in those things, which are already defined, or which by must euident testimonies of holy Scripture may without any tergiversation, or ouerthwarting be known, they may minister iustice, and punish the obstinate maintainers of that assertion: for that is not to giue sentence; but to execute the sentence before giuen.

16. Secondly, it is answered to the same Reely, that euery liane, be it neuer so spirituall, yea and heresie it selfe,

selfe, not as it is a spirituall thing, and against the spirituall health of our soules, but as it is a temporall wrong hurtfull to the common peace of the citizens, and vsually causeth great perturbations in the commonwealth, is subiect to the Iurisdiction of the temporall power, by whom it may be punished with temporall punishments: as also secular crimes, not as they are temporal, but as they are spirituall, and hurtfull to the spirituall health of soules, are subiect to the spirituall power, by whom they may be punished with spirituall punishments. And the reason heereof, I haue heeretofore<sup>a</sup>, where I handled the matter more at large, alleaged out of *Victoria*, and *Ioannes Parisiensis*, because the temporall common wealth is a perfect common wealth, and hath in her selfe sufficient power, therefore shee may by her own authority defend her selfe from the wrong of any Whatsoeuer, and by the materiall sword repell the abuse of the spirituall sword, especially when it tendeth to the hurt of the common wealth, whose charge is committed to the King.

17. Marriage, saith *Dominicus Sotus*,<sup>b</sup> beeing a Sacrament in such sort, that it is also a ciuill contract, it nothing letteth, but that as in the former respect it belongeth to the Ecclesiasticall Court, so in regard of the later it is subiect also in some sort to the ciuil. Not that Princes can alter those things, which are of the substance of Matrimony, but that they may punish them, who contract Matrimony, when by contracting they shall offend against the publicke good: for against those crimes, whose iudgement doth belong to the Ecclesiasticall Court, they may also ordaine punishments, as they disturb the peace of the Common-wealth. Which saying of *Sotus* may in the very like manner be applyed to heresie, which beeing a spirituall offence in such sort, that also it disturbeth the temporall peace of the ciuill common-wealth, it nothing letteth, but that as in the former respect it belongeth to the Ecclesiasticall Court, so in regard of the later, it is subiect also in some sort to the Ciuill, not that Princes can determine, and define what is

<sup>a</sup>In my Apologie nu. 94. et seq. et nu. 153. et seq.

<sup>b</sup>Nu. 4. dist. 19. q. 1. ar. 4.

<sup>c</sup> They are to be seene in the end of the Directory of the Inquisition among the Apostolicall letters pag. 18. 27. and 44.

<sup>d</sup> In the place last cited.

<sup>\*22</sup> 22. q. 11. ar. 4. q. 1. in fine.

heretic, but that they may punish hereticks, when by defending hereticall propositions, they shall offend against the publicke good. For against those crimes, whose iudgement doth belong to the Ecclesiasticall Court, they may also ordaine punishments, as they disturb the peace of the Common-wealth. And so the Christian Emperors haue enacted many lawes, <sup>c</sup> which containe greuous punishments against heretikes, by vertue of which Lawes the holy office of the Inquisition euen at Rome doth proceede against them with capitall punishments, as it may plainly be gathered by the Apostolicall letters of Pope Innocent the fourth, Alexander the fourth, and Clement the fourth. <sup>d</sup> For a King, saith Dominicus Bannes, <sup>\*</sup> doth punish heretikes, as most seditious enemies against the peace of his Kingdome, which without vnitie of Religion cannot be preserued. And a little beneath, from whence, saith he, it followeth, that a Secular King hath power to pardon sometimes the losse of their lues, and to punish heretikes in some other manner.

### Sect. III.

1. **T**He third head of exception against this sixth branch of the oath is, for that no humane power hath good, and full authoritie over the internall actions of our minde, and therefore neither the King, nor Parliament hath good, and full authoritie to compell the subiects to thinke inwardly this, or that, or to punish any man for defending, or not defending in his minde this, or that opinion: but this oath doth compell the subiects, to beleene, acknowledge, professe, and to bee resolu'd in their conscience, that the Pope hath no power to depose Princes, to discharge subiects of their allegiance, and to absolue any man from this oath, and doth grieuously punish those, who doe not so acknowledge, professe, beleene, and are so resolu'd in their conscience, therefore this oath is not lawfully ministred by good and full authoritie.

2. To



2. To this *obiection* it is answered, that although the internall actions of our minde, directly, and as they are internall, are not subiect to the command, and iurisdiction of humane authoritie, (whereof neuerthelesse there is a great controuersie betwixt the Diuines, and Lawyers, whose names are set downe by *Ioannes Salas* the Iesuite) yet all Doctors doe agree in this, that internall actions of the minde, as they doe cause externall disturbance in the common-wealth, and doe concurre to externall actions, whereof humane authoritie hath, for the externall good of humane gouernment, power to iudge, and determine, may by consequence, and indirectly be subiect to humane authoritie, although by it they are not punishable, vntill by some externall signe they bee sufficiently made knowne. Wherefore, *although the Church*, as well saith our learned countryman *Sayrus*<sup>f</sup>, whose words are in like manner verified also of the Ciuill common-wealth, *hath not power ouer internal actions, if they be considered by themselves, without any reference to externall, yet she hath authority ouer internall actions, if they be considered as conditions of externall, and may be referred to externall actions, whereof the Church hath for the end of humane gouernment, full, and perfect power to know, and determine.*

<sup>e</sup> Disput.9 de Legibus, sect.1.

<sup>f</sup> Lib 3. Thesauri cap.6. in fine.

3. Whereupon in this kingdome a firme purpose to plot any treason against the *Kings* person, if it be made knowne by any externall signe, is punished with the v-suall punishment of high Treason: And deadly hatred among citizens, although internall, as it may probably breede outward seditions, tumults, and perturbations in the common-wealth, may bee forbidden by the Secular Prince, and if outwardly it be made knowne, may also be punished with temporall punishment: So likewise in my opinion it is manifest, that the internall maintaining of this, or that opinion, as it may prudently be iudged to bee either very necessarie to preserue the publike peace of the common-wealth, or to bee a

probable cause of future sedition therein, may by a temporall Prince bee commanded, and forbidden vnder temporall punishments. Now, that internall maintaining of these positions, to wit, *that the Pope hath power to depose Princes, to absolve Subiects from their allegiance, and to giue them leaue, not to beare true faith, and obedience to his Maiestie, not to defend him against Treasons, and not to disclose them, when they shall come to their knowledge, and also that it is in the free power of the subiects, or any other whatsoeuer, to depose, or if they will, to murder Princes, which be excommunicated, or deprived by the Pope,* will by all likelihood be a probable occasion of raising tumults in this kingdome, and of plotting treasons, and traitorous conspiracies against his Maiesties person, Crowne, and dignitie, if the Pope should excommunicate, and deprive him, is so manifest to prudent men, who haue but cursorily read the Stories of precedent times, that there can be alleaged no colourable reason to make any doubt thereof.

21. Seeing therefore that the *King and Parliament* doe not directly command in this oath the *internall* denying of the aforesaid positions, but doe only compell the Subiects to make an vnfaigned *externall* profession, acknowledgement, and declaration of their *inward* dislike, and detestation of the said positions, in regard that they cannot be *inwardly* maintained with the safetie of his *Maiestie*, and the quietnes of the weale publike, no longer then it shall please the *Popes Holinesse*; truly in my opinion it is euident, that the *King and Parliament* haue, according to the approved principles of Diuines and Lawyers, good, and full authoritie to command the Subiects, to make a true and sincere *externall* profession, acknowledgement, and declaration of their *inward* dislike, and detestation of the aforesaid positions, they being such, which may lawfully be disliked, and detested, and the dislike, and detestation thereof, all things prudently considered, being morally necessarie

cessario to the outward safetie of the King, and common wealth; considering that *internall* actions, as they are referred to *externall*, and are causes, and occasions of them, are subiect to the iurisdiction of the Ciuil power, although by it not punishable, vntill by some *outward* signe they be sufficiently made manifest.

Sect. IIII.

1. **T**He fourth head of exception against this sixth branch of the oath is, for that a *Secular Magistrate* hath no good, and full authoritie ouer *Clergie men*, because they are exempted from the iurisdiction, and tribunals of *Secular Magistrates*, therefore, although it were granted, that this oath in it selfe is lawfull, and consequently may by the Kings authoritie be imposed vpon the *Laitie*, yet, by reason of *Ecclesiasticall immunitie*, the King hath no good, and full authoritie to compell *Clergie men* without the Popes license to take the same.

2. To this obiection it is answered first, that all Subiects whatsoeuer, whether they be *Ecclesiasticall*, or *Secular* persons, are bound to allegiance, and subiection in that degree of subiection, from which they are not exempted. Seeing therefore that *Clergie men*, although by the priuileges of Princes, and *Ecclesiasticall Canons* are in some degree exempted euen in temporall causes from the tribunals of *Secular Magistrates*, and cannot be conuented before them without the Bishops license, yet as they are true members, and parts of the Ciuill common-wealth, and also true Subiects, as well as Lay men, and are not exempted from true subiection, and allegiance due to the temporall Prince, and may as well as other subiects commit true treason against him, they are bound also to yeeld true allegiance to the Prince, and if iust cause require, they may also, as other members of the common-wealth, and other Subiects, bee compelled by the Prince, vnder temporall punishmets,

to

to make a sincere declaration of their allegiance, either by a bare promise, or by *oath*, as the Prince shall prudently iudge to be more expedient for his safetie. Neither is it sufficient, that Subiects doe promise onely in generall words their allegiance; for so they should not be tyed to any certaine forme of swearing their allegiance, but they might chuse, what forme, or manner of swearing should be most pleasing vnto them, which neuerthelesse reason it selfe, and the common practise of imposing such *oaths* of allegiance sheweth to be false, and inconuenient; but they are bound to giue such securitie of their allegiance, and to take such an *oath* for confirming the same, which, being in it selfe lawfull, the Prince shall with mature deliberation iudge to bee necessarie for preserving his owne safetie, and the quietnes of the Common-wealth.

3. Wherefore if the *King*, and *State*, being moued with truly prudent, and probable reasons, shall iudge it necessarie, for preserving his owne safetie, and also the Common-wealths, to compell by *oath* all his *Maiesties* Subiects, euen Ecclesiasticall persons, as they are *subiects*, to giue securitie to his *Maiestie* of their true and constant allegiance, and subiection, it is lawfull, yea and sometimes it may bee necessarie, vpon certaine incident occasions, to exact greater securitie of Clergie men, then of Lay men, if the Prince for reasons truly probable shall more vehemently suspect the fidelitie of Clergie men. Neither doth the King impose this *oath* of Allegiance vpon Clergie men, as they are Clergie men, but as they are *Subiects*, and true members, parts, and citizens of the temporall common-wealth.

4. As in like manner he compelleth *Bishops* to come to the *Parliament*, not as they are *Bishops*, but as by the King his priuilege they are made Barons, and Peeres of the kingdome. Because *Bishops* (saith Ioannes Azor & the Iesuite) are Peeres, and Princes of the kingdome, it belongeth to Kings to command, that as they are such, and  
not,

not, as they are Bishops, they meete together with others, for the common safety, and good of the Kingdome. Which if they refuse to doe, or if they deny to take that Oath of Allegiance, which other Barons are bound to take, the King hath full, and lawfull authority to depriue them, not doubtlesse of any spirituall Iurisdiction, which they haue receiued from Christ, but of that temporall dignity, which by his Princely Priuiledge they doe enioy. Whereupon we reade, <sup>h</sup> that the Emperour Charles the fifth commanded the Archbishop of Colen, being a Prince of the Empire, to appeare within thirty daies before him, to answer to those accusations, which should bee alleged against him; which in like manner did Pope Paul the third commanding him, as he was a Bishop, to appeare before him within threescore daies.

5. Secondly, it is answered, that although it were granted, that Cleargy men are exempted in all causes whatsoever, not onely from the command, and power of inferiour Secular Magistrates, but also from the authority and Iurisdiction of Kings (who vnlesse they bee expressed by name, are not to be ranked in the number of Secular Magistrates, as may bee gathered by many texts of the Canon Law <sup>i</sup>) neuertheles when the Prince hath no fit commodity to meete with the Spirituall Iudge to demand licence of him, that hee may conuent Cleargy men before the Secular tribunall for treasons, or other enormous Secular crimes, or it is morally certaine, that he will not grant any such licence, then the Secular Prince in case of necessity hath full, and sufficient authority granted him by the Law of God, and nature, to defend himselfe, and his kingdome from all present dangers, or which probably are like to ensue, and to procure not onely by the way of defence, but also by authority, to vse *Victoria* his word, all lawfull meanes fitting the temporall power, which are necessary to the preserving of himselfe, and his Kingdome, and to preuent all probable dangers, which by meanes of

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any

<sup>h</sup> Surius ad annum. 1545.

<sup>i</sup> Cap. Venerabilem de exceptionibus et c. ad abolendam de haereticis.

<sup>k</sup> de potest. Regia, et papali  
cap. 21. ad. 37.  
<sup>l</sup> Relect. 1. de  
potest. Eccles.  
lect. 7. 6. Oñ-  
ua propositio.  
<sup>m</sup> Pract. quest.  
cap. 35.

any spirituall person may arise, as *Ioannes Parisiensis*,  
<sup>k</sup> *Victoria*, <sup>l</sup> *Conarrunias*, <sup>m</sup> and many others do plainly  
auerre.

## Sect. V.

1. **T**He fifth and last head of exception against this  
sixth branch of the Oath, because it might bee  
somewhat dangerous to the obiectors, is only by some  
muttered in corners, who doe ground their obiection  
in this, that for many yeares together, to wit, since the  
putting down of Catholike Bishops, there hath not bin,  
as they imagine, any true, and lawfull Parliament in this  
Realme: And they argue in this manner.

*No lawes, which be of force in this Kingdome, can be enacted but by the authority of a true, and lawfull Parliament, but the Parliament, which enacted this law for the ministring of this Oath of Allegiance, was no true, and lawfull Parliament, Therefore this oath is not lawfully ministered by good and full authority. The Maior proposition is granted by all the Lawyers of this Realme, The Minor is proued: because every true, and lawfull Parliament must consist of these three States, to wit, the Bishops, the Nobles, and the Commons, but the Protestant Bishops are not true, and lawfull Bishops, therefore the Parliaments of these times are not true, and lawfull Parliaments. For by whom were you consecrated, saith Becanus <sup>n</sup> speaking to the English Bishops? Whether by the King? But hee hath not power to consecrate. Whether by the Archbishop of Canterbury, or such like? Neither that truly. For Thomas Cranmer, who vnder K. Henry the eight obtained the Archbishoprick of Canturbury, was not consecrated by any Bishop, but thrust in violently, and designed onely by the King alone, Therefore as many as were afterwards consecrated by him, were not consecrated lawfully, but by presumption.*

2. They that vrgē this obiection, to proue thereby  
that this Oath containeth in it a flat deniall of the Ca-

tho-

<sup>n</sup> M. Contro-  
uers. Anglica-  
na. c. 4. q. 9. nu.  
6. pag. 170.



tholike faith, are very desirous to flye to this controuersie, to wit, whether the Protestant *Bishops* of this Kingdome bee true, and Lawfull *Bishops* or no. For at the least by this way they thinke to demonstrate, that in this *oath* is evidently contained not onely ciuill obedience, but also other things which appertaine to Catholike Religion, to wit, to the lawfull ministring of the Sacrament of *holy Order*. But with this Controuersie, whether the Protestant *Bishops* of this Kingdome haue true Ordination, and consequently are true *Bishops*, or no; that is, whether from the beginning, and so successiue from time to time, they were ordained by true *Bishops*, and whether those *Bishops* from time to time vsed that due forme, and matter, which by *Christ* his institution is necessarily required to presse the *Episcopall Character*, considering that it is, both a question of fact, wherof I haue not as yet any certain knowledge & also altogether impertinent for the satisfying of this present obiection, I will not at this time intermeddle.

3. Yet before I come to answer the obiection, I would haue the Reader to be forwarned of two things. The first is, that betwixt a true, and lawfull *Bishop* there is a great difference to be made. For that one be a true *Bishop*, it is onely required, that hee haue true *Ordination*, whereby the *Episcopall Character* is impressed and which cannot be rased out, but alwaies remaineth, whether he become a Turke, Iew, or hereticke. And so the *Arrian Bishops*, although they were hereticks. yet because they were truly ordained, they were also true *Bishops*, neither were they reordained, when they returned to the vnity of the Catholike Church. But that one be a lawfull *Bishop*, besides true *Ordination* is also necessary lawfull *mission* and *Iniurisdiction*, which by *Christ* his institution is onely deriued from the true, and Orthodoxall Church of *Christ*.

4. The second is, that *Becanus* very rashly and without any probable colour of reason, or authority, and

against the plaine records of this Kingdome doth affirm, that *Cranmer* was not consecrated by any true *Bishop*, but designed onely by the *King*. For (besides that *King Henry* at that time, when *Cranmer* was made *Archbishop*, to wit, the twentyfourth yeare of his raigne, had not altogether renounced the communion of the *See Apostolicke*, by whose authorite both the election of *Cranmer* to the *Archbishopricke* was confirmed, and to whom also he, when he was consecrated, swore obedience, which afterwards his aduersaries did cast in his teeth; and therefore there can bee made no doubt, that he was consecrated by other *Bishops* with all rites, and ceremonies according to the ancient Canons) this onely argument may suffice to conuince *Becanus*, that *King Henry* the very next yeare after, to wit, the twentyfifth yeare of his Raigne, made a Law in publick *Parliament*, that euery *Archbishop*, and *Bishop* of this Realme should be presented and nominated by the *Kings* Maiesty, his heires, and successors, but that he should bee consecrated by one *Archbishop*, and two *Bishops*, or else by foure *Bishops* appointed by the *King*, with all benedictions, and ceremonies required thereunto; which custome in electing & consecrating *Bishops* is vsed even at this present time. For first the *King* sendeth his letters to the Chapter of the vacant *See*, wherein hee granteth them leave to choose a *Bishop*, and presenteth vnto them one, or more to be elected, who being elected the *King* confirmeth the election, and afterwards hee sendeth his letters to three *Bishops* at the least, requiring them to consecrate him *Bishop*. Wherefore I maruell from whom *Becanus*, a man otherwise very learned, hath taken this so manifest a fiction, seeing that it is not credible, that hee hath deuised it out of his owne braine.

5. These therefore beeing premonished, for satisfying of this present objection foure things are to bee supposed. The first is, that the custome, which any Kingdome hath to enact no lawes without the counsell, and

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consent of the three States of the Realme, did originally proceede either from the *King* alone, who, to gouerne his Subjects more quietly, and peaceably, did freely, and of his owne accord grant them this Priuiledge, that hee would enact no lawes without the counsell, and consent of the three States of the Realme: or it had it first beginning from the whole common-wealth, which at the first, when it was subiect to no *Soueraigne*, and absolute Prince, but the *Soueraignty*, or supream power to rule was in it selfe, did choose their *King* with this condition and limitation, that he should not haue authority to make lawes, vnesse the whole common-wealth, which the *Parliament* doth represent, should also concurre with him: But then we must of necessity confesse, that *King* not to be altogether an absolute Prince, seeing that he hath not power to make lawes, which all absolute Princes, according to the Doctrine of all Diuines, and Lawyers doubtlesse haue: or *lastly* it was first deriued both from the *King* and Common-wealth together, by reason of some couenant agreed on. betwixt them.

6. The *second Supposition* is, that no humane law hath so strong force to binde, but that the Law-maker, or his Successor, who hath equall authoritie with him, hath power to repeale, and disanull the same. And although the Law-maker may perchance greatly offend by repealing without iust cause a good, and profitable law, yet all Doctors doe with vniforme consent agree in this, that the abrogating thereof is valide, and that the aforesaid law hath no longer any force to binde. And the reason hereof they alleage, for that euery thing is by the same causes dissolued, by which it is made, but the will of the Law-maker, intending to binde his Subjects by his law, being the principall cause, yea and the soule of the law it selfe, may bee altered, and reuoked at his pleasure: And so the law is so long, and no longer a law, then the Law-maker, or his Successor will haue it

to be a law: Neither is it in the power of the Law-maker so to tye his Successor, but that he hath alwaies free power, to abrogate the law, when he shall please, according to that no lesse true, then vulgar saying, *Par in parem non habet imperium*: No man hath authoritie ouer his equall. For the Successor to the Prince hath not authoritie to make lawes from the person of the Prince, whom hee succeedeth, but from the office, wherein hee succeedeth him. And what wee haue said concerning the repealing of lawes, the same also is proportionably to bee vnderstood of the reuoking of couenants, and contracts, to wit, that euery couenant, or contract, may by the mutuall consent of both parties bee either in some part altered, or else wholly made voide, and to haue no effect at all.

7. The *third Supposition* is, that the very same ciuill power, and authoritie to enact lawes, doth now remaine in this kingdome, which it had, before this custome to enact lawes with the counsell and consent of the Parliament did first begin. Neither can any alteration of Religion deprive a kingdome, or Commonwealth of that supreme Ciuill authoritie, which it receiued not from Religion, but from the law of nations, and nature. So that if any Christian kingdome should reuolt from the faith of Christ, fall into heresie, or also Ethnicisme, yet she should haue no lesse full, and sufficient authoritie to gouerne it selfe ciuilly, and to enact ciuill lawes, then if it neuer had receiued the faith, and religion of Christ. The reason is, because as a temporall Commonwealth doth by the faith of Christ obtaine no temporall dominion, kingdome, or iurisdiction, but only a right to attaine by due meanes to the kingdome of heauen; so by the want of faith it only loseth y<sup>e</sup> spirituall right, and not that temporall iurisdiction, which by the law of nations and nature is granted to all absolute Commonwealths, what Religion soeuer they doe professe.

8. The *fourth Supposition* is, that in this kingdome two *Houses*, as wee call them, of *Parliament* are distinguished, wherein all those, who haue *suffrages*, doe vse to sit. The one is called the *Lower house*, which containeth those persons, who are elected by the people, or Commons: the other is called the *Higher house*, which comprehendeth the Peeres and Barons of the kingdome, whether they bee *Archbishops*, *Bishops*, *Dukes*, *Marquesses*, *Earles*, *Barons*, or by what titles soeuer they be called; Neuerthelesse all, and euery one of the aforesaid Nobles haue their voyce in the *Parliament* by this onely title, that by the *Kings* priuilege they are made *Barons* of the kingdome, and not in regard that they are *Archbishops*, *Bishops*, *Dukes*, *Marquesses*, or *Earles*. From whence it cometh to passe, that in this *Higher house*, which is onely one composed of the *Barons* of the kingdome, and not two *houses* composed of the Lords spirituall and temporall, to the enacting of a law the *suffrages* of the *Barons* are indifferently numbered, without regard how many voyces there be of spirituall, and how many of temporall Lords. Wherefore it may fall out, and sometimes also it hath so happened, that a law may bee established by the authoritie of the *King* and *Parliament*, and by the whole kingdome be accounted a firme and forcible law, although euery one of the *Bishops*, and Lords spirituall doe repugne, so that the greater part of the *Barons*, whether they be Lords spirituall or temporall doe giue their consent.

9. From hence may easily bee gathered a perspicuous answer to the aforesaid obiection. For whether we grant, that this custome, priuilege, or couenant not to enact any lawes without the counsell and consent of the aforesaid three States of the Realme did first proceede from the *King* alone, or from the Commonwealth, or from them both, yet it cannot be denied, but that by the mutual consent of the *King*, and Commonwealth, it may either in part be altered, or wholly reuoked.

ked! We grant therefore, that no ciuill law, according to the present custome of this kingdome, hath force to binde, vlesse by the authoritie of a true, and lawfull *Parliament*, (which doth consist of the *Prelates*, or *Bishops*, of the *Nobles*, and of the *Commons*) it bee established. Neuerthelesse wee also affirme, that as it is in the power of the *King*, and Common-wealth, which the *Parliament* doth represent, to ordaine, that ciuill lawes bee enacted either by the *Kings* sole authoritie, without the consent or suffrages of the *Prelates*, *Nobles*, and *Commons*, or with their consent, so also it is in the power of the *King* and *Parliament* to declare, what persons are to be vnderstood by the names of *Prelates*, *Nobles*, and *Commons*, whose voyces must bee required to enact lawes in the *Parliament*. And therefore as in times past Catholike *Bishops*, and also *Abbots* were by the *Kings* priuilege made *Peeres* and *Barons* of the kingdome, and gaue their voyces with other *Barons* in the vpper house of *Parliament*, so also the *Kings Maiestie* might in like manner giue the same dignitie, and authoritie to *Deanes*, *Archdeacons*, or to any other his *Maiestie* Subiects.

10. Seeing therefore that the Protestant *Bishops* of this kingdome are by the authoritie of the *King* and Common-wealth made *Lords* spirituall, or *Barons* of the kingdome, and by the whole kingdom are accounted for such, there can be made no doubt at all, but that they haue full authority with other *Barons* of the kingdome, to prescribe to the whole kingdome ciuill lawes being confirmed by the *King*: especially seeing that they haue not suffrages in the *Parliament*, as they are true *Bishops* in very deede, but as being by the *King* and *Parliament* esteemed for such, they are by the *Kings* priuilege made *Barons*, and haue their place, and dignitie in the *Parliament* with the other *Barons* of the kingdome: And that the Protestant *Bishops* are by the authoritie of the *King* and Common-wealth made *Barons*



rons of the kingdome, it is manifest by an Act of *Parliament* holden the first yeere of Queene *Elizabeth* (which cannot be denied to bee a true *Parliament*, seeing that the Catholike *Bishops* were present <sup>o</sup> thereat, and gaue their voyces with the other *Barons* of the kingdome) wherein it was decreed, that *who soeuer hereafter shall by the Queenes Royall authoritie be preferred to the dignitie of an Archbishop, and Bishop, and bee consecrated according to the rites and ceremonies prescribed by the Act of Parliament in the fifth yeere of King Edward the sixth, shall haue authoritie to doe, and execute all those things, concerning the name, title, degree, & dignity of an Archbishop, and Bishop, which any Archbishops, and Bishops of this Realme did heretofore doe, and execute.* And although one onely *Bishop*, as *D. Harding* <sup>p</sup> relateth, gaue his assent thereunto, yet this, as may appeare by that, which wee said a little before <sup>q</sup>, nothing letteth, but that the voyces of the other *Barons* being more in number, might, for the granting by the Kings speciall gift, a temporall priuilege, as is a temporall dignitie, ouerfway, and preuaile. And by this it is manifest, that the *Parliaments* of these times are true, and proper *Parliaments*, and consequently that the ciuill lawes enacted by them, and confirmed by the *Kings* Royall assent, are established by good, full, and lawfull authoritie. And this now with farre greater reason may be auerred, seeing that at this day there are no Catholike *Bishops*, who can challenge any place, or suffrage in the *Parliament* house.

II. And this may suffice for the satisfying of all the arguments, which are vsually alleaged against the sixth branch of this *oath*. For against those last words [*and I do renounce al pardons, and dispensations to the contrary*] supposing, that the *Pope* hath no power to dispense with me in this *oath*, or any part thereof, of which wee haue before abundantly disputed, I cannot deuise any thing of moment, which can bee objected. For that, which

<sup>o</sup> As *D. Harding* witnesseth against *Master Iuels* Apologie part. 6. chap. 2.

<sup>p</sup> In the place before cited.  
<sup>q</sup> Nu. 8.

son eulearned persons, hearing this name of *pardons*, doe very vlearnedly imagine, that in this clause is denied the *Popes* authoritie to grant *Pardons*, or *Indulgences*, is plainly friuolous, and very ridiculous: For that by the name of *pardons*, no other thing is signified in this clause of the *oath*, then that the *Pope* hath not power to dispense with me in this *oath*, or any part thereof, or to absolue me from the same, and consequently to grant me any *license*, *pardon*, or *dispensation*, by vertue whereof I am not bound, to beare faith, and true obedience to his *Maiestie*, to defend him to the vttermost of my power against all treasons, and traiterous conspiracies, and not to disclose them, when they shall come to my knowledge, which *pardons*, *licenses*, or *dispensations* that euery Subiect may lawfully renounce, supposing that which hath been said before, is too too manifest.

## CHAP. VIII.

*The seuenith branch of the Oath.*

*And all these things I doe plainly, and sincerely acknowledge, and sweare according to these expresse words by me spoken, and according to the plaine, and common sense, and understanding of the same words without any equivocation, or mental evasion, or secret reservation whatsoeuer.*

## Sect. I.

1. **A**gainst this branch two obiections are vsuallie made. The first, which *Lessius*<sup>a</sup>, as his English *Recapitulator*<sup>b</sup> relateth, doth insinuate, is against that word [*sweare*] comprehended in the first words of this branch, [*And all these things I doe plainly, and sincerely acknowledge, and sweare*] from which words it is plainly

<sup>a</sup> Nu. 216.  
<sup>b</sup> Pag. 51.

plainly deduced, that I doe not only acknowledge, but also sweare all the former clauses, and parcels of the oath, and consequently that I doe sweare, that the Pope hath not power to depose the King, or to absolue his Subiects from their allegiance. Seeing therefore that no Catholike can without danger of periurie sweare that to bee true, whose truth is not manifest, but controuerted among Catholikes, and no Catholike can denie, but that at the least it is uncertaine, and controuerted among Catholike Diuines, whether the aforesaid positions doe containe truth, or falsehood, doubtlesse no Catholike can without danger of periurie sweare, that the Pope hath not authoritie to depose the King, and to absolue his Subiects from their allegiance, although he, who is of that opinion may, without any danger of periurie, confirme by oath the acknowledgement, profession, and declaration of his opinion.

2. To this obiection it is answered first, that the true and proper meaning of those words, [I doe acknowledge, and sweare] is not, that I do not only acknowledge, but also immediatly sweare all the branches, clauses, parcels, and words, which are contained in this oath, for that the contrarie concerning certaine parts of the oath doth evidently appeare, wherein I doe immediatly confirme by oath the true and sincere declaration of my opinion, as is manifest both by the former branch [which I acknowledge by good, &c.] and by the first words of the oath, [I A.B. doe truly, and sincerely acknowledge, profess, testifie, and declare, &c.] and by the fifth branch, [And I doe beleue, and in conscience am resolved, that neither the Pope, &c.] and also by the last branch [And this recognition, and acknowledgement I doe make, &c.] For by these words it is euident, that the immediate object, or which is all one, that thing which is immediatly sworne in many assertions contained in this oath, and especially in those positions, which are mentioned in the obiection, to wit, that the Pope hath not power to

depose the King, or to discharge his subiects of their allegiance, is onely a true and sincere profession, acknowledgement, and declaration of my opinion, so that I doe not in this *oath* immediatelie sweare the trueth of the aforesaid positions in themselves; but a true and sincere declaration of my opinion; or which is all one, what is my opinion concerning the trueth of them.

3. Wherefore the plaine and proper meaning of these words [*And all these things I doe plainly, and sincerely acknowledge, and sweare according to these expresse words by me spoken, and according to the plaine and common sense, &c.*] is, that all these things, which I doe acknowledge, I doe plainly, and sincerely acknowledge according to these expresse words by me spoken, &c. and all these things, which I doe sweare, I doe plainly, and sincerely sweare according to these expresse words, &c. so that these words [*and sweare*] are not to bee referred to those words [*and all these things*] as though I should sweare all those things, which were before spoken by me, but to those words [*plainly, and sincerely*] signifying thereby, that all these things, which I doe sweare, I doe plainly and sincerely sweare according to the common vnderstanding of the words, without any equiuocation at all. And that this is the true and plaine meaning of these words, any man, that will sincerely compare this branch of the *oath* with the other parts thereof, will cleerely perceiue: for otherwise they should most evidently contradict both the first, and the last, and also the middle clauses of the *oath*. And what Diuine or Lawyer, I pray you, will, against the common and approued rules of interpreting lawes, affirme, that if in any law, or decree enacted by publike authoritie, there bee contained any proposition, which hath two senses, whereof the one hath in it no absurditie or inconueniencie, and the other is absurd, and evidently repugnant to other words, and sentences of the said law,

law, the worse sense is to be preferred, and that, which containeth in it no absurdity is to be rejected? And this also is to be observed for the answering to the two next objections.

## Sect. II.

1. **T**HE *Second* objection is usually made against those words [according to these expresse words by me spoken, and according to the plaine, and common sense of the same words, without any equivocation, &c.] For it seemeth, that whosoever sweareth these words must of necessity be forsworne; considering that in this Oath are contained many equivocall words, and many common senses of the same words: as for example, to depose the King, doth signifie, to deprive him of his Regall authority, and also, to thrust him out of possession of his Kingdome; to absolve from this oath, doth signifie; to absolve either from the thing (sworn, or onely, from the thing as sworn: A Successour doth signifie, both a lawfull, and also an unlawful Successour: As hereticall, may be taken either for hereticall indeed, or for hereticall onely in similitude: and so of the like: Therefore he that taketh the oath according to these expresse words, and sweareth the aforesaid equivocall speeches, must of necessity use some equivocation, and consequently be forsworne, seeing that hee sweareth to use no equivocation at all.

2. To this objection it is answered first, that although in this Oath there be contained many equivocal words, and many common senses of the same words, if they be taken barely, and by themselves alone; yet as in this Oath they are ioyned with other words, and with them doe compound a full and perfect sentence, they are not so equivocall, that all circumstances duely considered according to the rules before assigned for the interpreting of the words of Lawes, they haue according to the common vnderstanding of men

Cap. 1. Sect. 2.  
et seq.

two senses equally proper, which properly is to be equiuocall.

3. Neither is it vnusual, that a word, taken by it selfe, be equiuocall, which being placed in a sentence or proposition is not, all circumstances considered, equiuocal. As this word [*Dog*] being taken nakedly by it selfe, hath many significations, yet if one talking with another, in the time of *ſy Dog* daies, of the intemperate season of the ayre, should say, I greatly feare the *Dog*, this worde by the circumstance of the time, & other precedent words would be sufficiently determined to signifie the celestiall constellation, and not an earthly *Dog*. And although there were in this *oath* many common senses of the same sentence, or proposition, which neuerthelſſe is not true, as by answering all the particular obiections we haue shewed before, yet we might lawfully according to the rules before assigned, if there bee no other let, chuse that common sense, which is more commodious to vs, so that it containe no absurdity, nor is repugnant to the mind, and will of the Law-maker.

4. Secondly it is answered, that these later words [*without any equiuocation &c.*] doe onely declare those former [*And all these things I doe plainly and sincerely acknowledge, and sweare according to these expresse words by me spoken, and according to the common sense, and vnderstanding of the same words*] so that they onely signifie, that I doe deale plainly, and sincerely without any fraud or guile, and that I doe not take the words in an other meaning, then the common sense, and vnderstanding of the same words doe beare. And therefore although there bee some equiuocal words in this oath, if they bee taken by themselves without considering all circumstances, as hath beene said in the obiection, yet it doth not therefore follow, that when I speake those words, I doe equiuocate, or vse equiuocation. For first it is one thing to vse equiuocall words, which may bee called a materiall equiuocation, and an other thing to equi-



equiuocate, or to vse formall equiuocation. For to equiuocate properly, or to vse formall equiuocation, as it is commonly vnderstood in this Kingdome, is to vse equiuocall words, or some secret reseruatiō, of purpose to delude the hearer, so that hee who heareth the words, vnderstandeth them in another sense, then he who vttereth them, and it doth import an vsincere manner of dealing. And therefore if any man aske vs, tell me truly doe you equiuocate, or no, all men by this doe vsually so vnderstand, tell me truly, whether you deale with me sincerely, and doe not take your words in an other sense, then in common speech they are vsually taken? And therefore it may be, that the *King*, and *Parliament* did cheefly for this end adde those words [*without any equiuocation, &c.*] that if perchance in this oath there were many common senses of the same sentence, or proposition, we should take it in that common sense wherein we thought the Law-maker to vnderstand it: for this is the principall meaning, and intention of the Law-maker, that wee should deale with him plainly, and sincerely <sup>d</sup> without any fraud, guile, or secret reseruatiō.

5. *Moreover*, although wee should admit, that in this oath there were not onely many equiuocall words, but also many equiuocall sentences, yet it doth not follow therefore, that in taking this oath wee must of necessity vse some equiuocation; but rather it might from hence be inferred, that, if perchance in his oath there be contained many equiuocall sentences according to the common vnderstanding of the words, by vertue of this clause wee are bound, to declare publickely before wee take the whole oath, in what common sense wee take that proposition, which wee apprehend to bee equiuocall, so that our sense bee not repugnant to the intention of the Law-maker, and this is the most that the aforesaid obiection can proue; wherefore if any one be perswaded that those words, *to depose, Successors, as hereticall,*

<sup>d</sup> And so his Maiesty vnderstandeth these words in his Apologie page. 51. nu. 14.

reticall, or any such like words bee equiuocall, hee may openly declare, in what sense hee taketh those words, and so hee shall easily auoid all equiuocation, and all danger of periurie, which otherwise by taking of this clause he may incurre.

## CHAP. IX.

*The eighth, and last branch of the Oath.*

**A**ND I doe make this recognition, and acknowledgement heartily, willingly, and truly upon the true faith of a Christian, So helpe me God.

1. If this branch bee compared with the first, and diuers others before <sup>a</sup> related, it will easily appeare, what is the principal obiect of this oath, or which is al one, what is that thing which chiefly in this oath I doe immediately sweare; for it is my recognition, acknowledgment, and declaration of my opinion concerning the truth, or falshood of almost all the positions, which are contained in this oath, and not the truth or falshood it selfe of the same positions, as they are considered in themselves. So that I doe not sweare, that the *Pope* hath no authority to depose the *King*, or to discharge his Subiects of their obedience, & so of many other like clauses, but that I doe acknowledge, professe, testifie, beleue, am resolved in conscience, and doe declare that the *Pope* hath no such power to depose the *King*, to discharge Subiects of their obedience, and so of the rest.

## Sect. I.

1. **B**Ut against this branch some obiect in this manner. *That oath cannot be said to be taken heartily, and willingly, which one taketh against his will, and is wrested*

<sup>a</sup> Cap. 8. sect.  
1. III. 2.

sted from him through feare, but this oath is taken by most men against their wills, and if it were in their free power, and election, they would not take it, but it is wrested from them for feare of loosing for ever all their temporall goods, lands, and liberiy, therefore they cannot truly sweare, that they doe take it heartily and willingly. This obiection is greatly vrged by Father Parsons in his English booke intituled, *The Iudgment of a Catholike Englishman living in banishment for his religion, concerning a late booke set forth and intituled; Triplici nodo: &c. or, An Apologie for the Oath of Allegiance*, in which booke hee much labourereth to proue, that in this Oath besides civill obedience are couched, and craftily conioyned also certaine Ecclesiasticall points, and which appertaine indeede to Catholike Religion with no small prejudice to the same. And this important matter he confidently affirmeth, may easily be cleared by foure severall and distinct wayes.

2. The first way, saith he, is taken from the plain expresse words, sense, and drift of the oath it selfe, for that besides civill obedience, and the acknowledgement of our Soueraign to be true, and rightfull Lord over all his Dominions, and other such like clauses, whereat no man maketh difficulty, the said oath containeth further, that I must sweare in like manner some points concerning the limitation of the Popes authority, to wit, what he cannot doe towards his Maiesty, or his Successours in any case whatsoeuer, and consequently towards all Kings, for the like reason is also in others: this he would say, that the Pope hath not power to depose the King, and to absolve his Subjects from their allegiance, &c. Which question being brought from the particular Hypothesis, to the generall Thesis, concerning all Kings, toucheth a point of Doctrine, and Catholike beleefe concerning the sufficiency of Pastorall authority left by our Sauieur in his Church to S. Peter, & his Successours, for redressing of all inconueniences that may fall out, which I (being a Catholike) cannot in my conscience forswear without perill of eternall danation. And this is one way of clearing the questiō

Y

4. But

b Pag. 13. nu. 21.

<sup>c</sup> In my Apologie.  
<sup>d</sup> Nu. 203. &  
 seq.

<sup>e</sup> In Chronico  
 Monasterii  
 Hirfing. ad an-  
 num 1106.

<sup>f</sup> The next  
 chap. sect. 2.

4. But truly this way is not cleare enough but very intricate, and incumbred with many difficulties. For this question concerning the Popes power to depose Princes, and to absolue subiects from their allegiance, doth not appertaine to Catholike doctrine, or belief, as heretofore <sup>c</sup> wee haue abundantly shewed, (where <sup>d</sup> also wee haue more particularly answered those reasons, which Fa. Parsons in his Mitigation hath brought to this purpose) & hereafter against D. Schulckenius, we will, God willing, more distinctly proue the same: but this power may with a safe conscience be denied by Catholikes without danger of denying the Catholike faith. All Catholikes doe indeede acknowledge that the Pope is the Pastour of the Catholike Church, and that he hath al sufficient, and necessarie spirituall power to gouerne the flock of Christ, but whether this his spiritual power is to be extended to the deposing of Kings, and to the absoluing of Subiects from their temporall allegiance, is a controuersie, saith Trithemius, <sup>e</sup> amongst the Schoole-men, and as yet it is not decided by the Iudge, whether the Pope hath power to depose the Emperour, or no.

5. The second way, saith he, to cleere this question, is taken from the Popes words in his Brenes, wherein he declareth, that this oath containeth many things, which are cleere repugnant to the Catholike faith, and the health of soules. And this way is indeede, in some part, cleere: for it is cleere and manifest, that the Pope in his Brenes did so declare, but neuerthelesse it is as yet vnknowne, and hidden from vs, what in particular be those many things, which are cleere repugnant to Catholike faith, and the health of soules: which point, if Fa. Parsons had declared, and cleered, as English Catholikes did expect he would haue done, he had then doubtlesse somewhat cleere explained this question. But concerning the Popes Brenes we will beneath <sup>f</sup> treat more at large.

6 The third prooffe, saith Fa. Parsons, & may be taken from Cardinall Bellarmines letter, who hauing diligently considered with other learned men the nature of this oath, doth therefore hold it to be vnlawfull, for that it is so compounded by artificiall twynning together of temporall, and spirituall thinges, ciuill obedience, and forswearing the Popes authoritie. But this way is no whit cleerer, but rather more obscure, than the former: for although Cardinall Bellarmine doth indeede auerre thus much, yet, as it is euident by that, which hath beene said before, he pro- ueth it with such weake, and silly reasons, that those, who are of opinion, that the oath is lawfull, and that nothing is therein contained, which is repugnant to Catholike faith, are rather thereby confirmed in their opinion, than any whit auerted from the same. See also what concerning this point wee haue said before in the 7. Chapter, Sect. 2. Num. 15.

7 The fourth way, which Fa. Parsons hath deuised for a more full, and small clearing of this matter, is the framing of an other oath, to wit, to make this reall offer on the behalfe of euery English Catholike for better satisfaction of his Maiestie in this point, so much urged of their Ciuill, and Temporall obedience, that he will sweare, and acknowledge most willingly all those parts, and clauses of the Oath, that doe any way appertaine to the Ciuill, and Temporall obedience due to his Maiestie, whom he acknowledgeth for his true, and lawfull King, and Seneraigne ouer all his Dominions, and that he will sweare vnto him as much loyaltie, as euer any Catholike Subiect of England did vnto their lawfull King in former times, and ages, before the change of King Henry the eighth: or, that any forraigne Subiect oweth, or ought to sweare to any Catholike Prince whatsoeuer at this day.

8. But first this way doth no whit cleare this present question, whether the oath be vnlawfull, and contrarie to Catholike beleefe, or no. For what, I pray you, doth it auaille, to proue that in this particular Oath is contain-

ned, or not contained any thing more then ciuill obedience, for that all Catholikes will sweare in generall words all those things, which appertaine to Ciuill obedience? *Secondly*, all Catholikes will forsooth sweare in generall words, that King *Iames* is their lawfull *King*, and *Soueraigne Lord*, and they will promise vnto him in generall words Obedience, but in particular, for how long a time he shall bee their Lawfull *King*, and *Soueraigne Lord*, and for what time they will promise vnto him Obedience, to wit, whether for euer, or onely for a certain time, vntil the *Pope* depose him, and discharge his Subiects of their Obedience, all Catholike Subiects will not perchance aduenture to sweare.

9. *Thirdly*, the *Kings Maiesty* auoucheth, that in this particular *Oath* is contained nothing besides that ciuill Obedience, and temporall Allegiance, which euery forraine Subiect, if his Prince vpon iust cause shall demand it at his hands, may with a good conscience, and also ought to sweare. Yea in very deed he in this oath requirerh of his English Subiects no other thing, then which the Kingdome of *France* doth publickly professe to bee due vnto their most *Christian King*; to wit, that the *Pope* hath not power to deprive the *King of France* of his Kingdome, and that notwithstanding any monitions, Excommunications, or Interdicts, which may be made by the *Pope*, yet his Subiects are bound to yeeld obedience due to him for temporalls, neither that they can therein be dispensed, or absolved by the *Pope*. Would Father *Parsons*, trow you, if he were now aliue, also affirme, that this assertion is repugnant to Catholike Doctrine, and'believe, for that it containeth some things concerning the limitation of the *Popes* authority, or would he auerre with Cardinall *Belarmine* that this assertion is compounded of a spirituall thing, to wit, of the deniall of the *Popes* authority?

10. Finally, the last argument, which Father *Parsons* doth as by the way bring to impugneth this *Oath* of Allegiance, is that obiection, which we haue set downe in



the beginning of this Section, wherein he seemeth to please himselfe so much, that he thereupon, as you shall perceiue, taketh occasion to triumph against his Majesty.

11. For the satisfying therefore of this obiection, we must first of all suppose out of S. Thomas<sup>h</sup>, that according to Aristotle<sup>i</sup>, and Gregorie Nyssene<sup>k</sup>, Huiusmodi quæ per metum aguntur, &c. Those things which are done for feare, are mixt of voluntarie, or willingnes, and inuoluntarie or vnwillingnes: for that, which is done for feare, if it be considered in it selfe, is not voluntarie, but it is voluntarie in some case, to wit, to avoid the euill, which is feared. But if one doe well consider, they are more voluntarie, then inuoluntarie; for they are simply voluntarie, but inuoluntarie in some sort. For euery thing is said to haue it being simply, according as it is in deede, and according as it hath it being in imagination, it hath not being simply, but after some sort. But that which is done for feare, being a particular action, hath it being in deede, according as it is done in this place, in this time, and with other particular conditions required to a particular action. And so willingnes is in that, which is done for feare, according as it hath being indeed in this place, and in this time; to wit, according as in this particular case it is an hindrance of a greater euill, which was feared; as the casting of merchandize into the Sea in the time of a tempest is made voluntarie for feare of danger: Whereupon it is manifest, that it is simply voluntarie, and therefore the definition of voluntarie doth agree vnto it, for that our inward will is cause thereof; But that the thing which is done for feare, be taken as hauing it being out of this case, as it is repugnant to the will, this hath only it being in imagination, and therefore it is inuoluntarie in some sort, to wit, as it is considered to haue it being out of this case. Thus farre S. Thomas.

12. From hence it is easie to answer the aforesaid obiection. For seeing that those things, which are done

<sup>h</sup> 1. 2. 2. q. 6. ar. 6

<sup>i</sup> Lib. 3. Ethic. cap. 1.

<sup>k</sup> Lib. 5. de homine cap. 1.

for feare, haue more of *willingnes*, then of *unwillingnes*, and therefore *simply* they are to be called *voluntarie*, or *willing*, both for that they are actually chosen by our will, and also for that all actions take their names chiefly from their end, but the end of these actions, which are done for feare, which is to auoid a greater euill, is more voluntarie, and to be desired: therefore the actions themselves are *simply*, and *absolutely* to be called *voluntarie*, according to that vulgar axiome, *Denomination*, or imposing of names, *is taken from the greater part, or from that, which is predominant*. And so a law, which is made by the greater part of a Councell, or Parliament, is absolutely said to be made by the whole Councell, or Parliament. From whence it followeth, that although we should grant, that some Catholikes, partly because they doe not throughly perceiue the lawfulness of the oath, and partly for some other humane respect are for feare moued to take the same, and so in some sort are not willing to take it, to wit, *conditionally*, if the oath had not been imposed vpon them by Act of *Parliament*, vnder such grievous penalties, yet the law being now made, and the oath being tendred vnto them, which without great inconueniences they cannot refuse, they doe in very deepe at this present time, for the reason alleaged by *S. Thomas*, take it heartily, and willingly. Yea, as it will beneath<sup>1</sup> most manifestly appeare, there is no man, who, if he please, may not take it most heartily, most willingly, and most freely, without any repugnance, displeasure, feare, or constraint at all.

<sup>1</sup> Nu. 30. & seq.

13. Wherefore I cannot but greatly meruaile, for what cause Father *Parsons*, although he grant, *that the casting out of ones goods into the Sea in the time of a tempest for feare of drawing, is according to the doctrine of Catholike Diuines inuoluntarie in part, and simply voluntarie, for that, all circumstances considered, he resolued finally to be the best to cast out his goods, and save himselfe, neuertheless to reprehend those words of his*

*Maiestie,*

*Maiestie, as hauing in themselves no great coherence, to wit, that very many of his Maiesties subiects, that were Popishly affected, as well Priests, as Laycks, did freely take the oath, dare presume to auerre so confidently, that all Diuines doe agree in this, that freedome is taken away by this constraint of the passion of feare. For that freedome requireth full libertie to both extreames, or obiects, that are proposed; which is not in our case. For that the displeasure of the Prince, the losse of goods, and liberty, the ruine of his familie, the terror, and perswasion of his friends, are heauie poyses, and doe mightily preponderate on the one side; and consequently the mention of this freedome might haue been pretermitted, for so much as no constraint of humane will can be greater, then this: And yet it is said in the Oath, that he must doe it, both willingly, and heartily, and as hee beleueth in conscience. Let the discrete Reader consider, what coherence there is in their tale. Thus Father Parsons.*

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15. *Four* therefore kindes of freedome, or libertie, are commonly assigned by the Deuines: The first freedome, or libertie is, whereby a man is free from sinne; of which the words of the Apostle <sup>o</sup> are to be vnderstood, *Where the spirit of our Lord is their is freedome, or libertie.* And those of our Saviour Christ in the Gospell, <sup>p</sup> *If*  
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<sup>m</sup> The Latine word is *libertas*, or perfect voluntarium.

<sup>n</sup> See the Master of the Sentences in 2. dist. 29. & Ioannes Azorius tom. 1. Institut. lib. 1. cap. 2. <sup>o</sup> 2. Cor. 3. <sup>p</sup> Ioh. 8.

¶ Rom. 6. 18.

¶ ver. 20.

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¶ Tom. 1. de vera religione. cap. 14.

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16. The fourth freedome is, whereby a man is free from violence, in regarde of which freedome no creature either reasonable, or vnreasonable is said to suffer violence in any action, vnlesse that action doe proceed from some externall cause against the naturall inclination of that creature: As, for example, the descending of a stone downeward is free from violence, because it proceedeth from the inward, and naturall waight of the stone:

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17. So likewise man, according to the doctrine of al Diuines, and Philosophers, in all those actions depending on our will, which doe not proceede from some externall cause against our will, is said to be free from violence, or constraint. And this kinde of violence, or constraint, seeing that it maketh the action not onely in part, but altogether inuoluntary, cannot be found in voluntary, or free actions. Neither can our will in her owne proper actions, as to will, or to nill any thing propounded vnto her, bee constrained with this violence; because at the same time, when shee should bee constrained to will any thing against her wil, she should both will, and not will the same thing, which implyeth a manifest contradiction. Neuerthelesse it is most certaine, as well obserueth *Ioannes Azorins*,<sup>u</sup> *That mans will may be allured, enticed, or enclined by great prayers, perswasions, feares, and threatnings, and then the will is vulgarly said to be drawn, and so also to be compelled, not because truly and properly she suffereth violence, but because she will would not otherwise will, but for these, and such like motiues and impulsions.* And these be the generall acceptions of *freedome*, whereunto all other freedoms in particular, as to bee free from sicknesse, from bondage, from feare, and a hundred such like may bee reduced.

18. By this it may easily be perceiued, that *Fa. Parsons* did without cause carpe at those words of his Maiestie, *That very many Catholicks had freely taken this oath*, seeing that, although they had taken it only for feare of punishment, and incurring his Maiesties displeasure (in that manner as Merchants doe in tempestuous weather cast out their goods into the Sea, for feare of being drowned themselves) yet, as we haue shewed before, it

<sup>u</sup> Tom. 1. In-  
stit. lib. 1. cap. 9  
ad finem.

for feare, haue more of *willingnes*, then of *unwillingnes*, and therefore *simply* they are to be called *voluntarie*, or *willing*, both for that they are actually chosen by our will, and also for that all actions take their names chiefly from their end, but the end of these actions, which are done for feare, which is to auoid a greater euill, is more voluntarie, and to be desired: therefore the actions themselves are *simply*, and *absolutely* to be called *voluntarie*, according to that vulgar axiome, *Denomination*, or imposing of names, *is taken from the greater part, or from that, which is predominant*. And so a law, which is made by the greater part of a Councell, or Parliament, is absolutely said to be made by the whole Councell, or Parliament. From whence it followeth, that although we should grant, that some Catholikes, partly because they doe not throughly perceiue the lawfulness of the oath, and partly for some other humane respect are for feare moued to take the same, and so in some sort are not willing to take it, to wit, *conditionally*, if the oath had not been imposed vpon them by Act of *Parliament*, vnder such grieuous penalties, yet the law being now made, and the oath being tendred vnto them, which without great inconueniences they cannot refuse, they doe in very deede at this present time, for the reason alleaged by *S. Thomas*, take it heartily, and willingly. Yea, as it will beneath<sup>1</sup> most manifestly appeare, there is no man, who, if he please, may not take it most heartily, most willingly, and most freely, without any repugnance, displeasure, feare, or constraint at all.

<sup>1</sup> Nu. 20. & seq.

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¶ Rom. 6. 18.

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may

<sup>u</sup> Tom. 1. Institut. lib. 1. cap. 9. ad finem.

may bee said most truly, that they did take it indeed heartily, willingly, and also *freely* (although this word [*freely*] be not in the oath at all) for that the feare doth not take away their freedome, and willingnesse, as *free*, *willing*, or *voluntary* is both by Diuines, and in common speech vsually taken.

19. And although in some actions to doe a thing *freely*, doth signifie all one, as not to doe it for feare, yet this is not common to all actions, but proper, and peculiar only to some, as to gifts, and donations, to whose substance this peculiar condition is required, that they be done *freely*, liberally, without feare, compulsion, or any inward displeasure at all, in which sense *freely* doth onely signifie *liberally*, and so this word *liberally* is deriued from the latine word *libere*, which in English wee call *freely*: but the proper, and vsuall acception of *freedom*, as the Diuines, and Philosophers take *freedom*, is no other, then those foure which we haue rehearsed out of *Azor*. Which *freedom* both from necessitie, and violence or constraint (for the other two significations of *freedom* are impertinent to our purpose) although by feare it be somewhat diminished, yet it is not altogether taken away, nor so diminished, but that those actions, which are done for feare, haue more of willingnesse, *freedom*, or libertie, then of the contrarie, and therefore, according to the doctrine of *Aristotle*, and the Diuines, as also Father *Parsons* himselfe doth witness, they are absolutely, and simply said to bee done *heartily*, *willingly*, and *freely*. Whereby it is manifest, that this *first answer* doth abundantly satisfie the afore-said obiection.

But to satisfie this argument of Fa. *Parsons* superabundantly, and to shew most evidently the weakenes thereof, wee will grant him for disputations sake, that the meaning of those words, [*And this recognition I do make heartily, and willingly*, let vs adde also, *and freely*] is that, which he desireth, to wit, that I do not take this oath

oath for any feare of punishment; Neuerthelesse, *secondly* and *principally* (supposing that all the precedent clauses of the oath may lawfully, and with a safe conscience be taken, which at this present must be supposed, and which by fully satisfying all the aforesaid objections, hath in my iudgement been sufficiently proved) *it is answered*, that there is no Catholike, that may not with a safe conscience take this branch of the oath, and consequently sweare most truly, that he doth make this recognition, and acknowledgement *most heartily, most willingly*, and *most freely*, without any feare, repugnance, or displeasure at all, if he bee sincerely moued to make the same not for feare of any punishment, but for the lawfulness, goodness, and honestie of the act it selfe.

21. May not any man, I pray you, obserue God his commandements *most heartily, most willingly*, and *most freely* meere for his loue, and not for feare of punishment, although most grievous punishments are ordained by God against the breakers of his commandements? Are wee not bound by the law of God, to loue him with all our heart, with all our soule, and with all our strength, that is, *most heartily, most willingly*, and *most freely*, and neuerthelesse almightie God hath prepared for them, who doe not loue him, the euerlasting torments of hell fire, besides the losing of the kingdome of heauen? Is not the losse of a celestiall kingdome, and to be thrust together with the Diuels into the horrible prison of hell, there to be tormented euerlastingly, farre greater paynes, then to bee depriued for a little time of temporall lands, goods, or libertie? Why then cannot I take this oath, supposing it to be lawfull, *heartily, willingly*, and *freely*, although it be imposed vpon me by the *Kings* command vnder paine of bodily imprisonment, and forfeiting all my temporall goods, as well, as, obseruing due proportion, I can loue God, and keepe his commandements *most heartily, most willingly*,

and *most freely*, who neuerthelesse hath in the holie Scripture threatned farre bitter punishments to those, who doe not loue him with all their heart, and strictly obserue his commandements?

22. Wherefore there is no repugnance at all, whatsoeuer Father *Parsons* saith, but rather great coherence betwixt these two, to wit, that great punishments are by Act of *Parliament* ordained for those, who shall refuse the oath, and yet that any man may take it not for feare of those punishments, if so be that he be moued to the taking thereof, not for feare of any punishment, but only in regard of the lawfulness of the *oath*, not so much desiring to auoid, by taking the *oath*, those punishments, as to obey the iust command of his lawfull *Prince*, in those things, wherein he hath full and lawfull power to command him. And this seemeth to be the chiefeft end of the *King* and *Parliament*, in concluding the *Oath* with these words, *heartily*, and *willingly*, (the reason whereof wee will alledge beneath \*) that although very grieuous punishments be appointed for them, who doe refuse the oath (as it is vsuall in all lawes, which doe command, or forbid any thing of great importance) yet the Subiects should neuerthelesse take the said *oath*, not for feare of those punishments, but meerely, and sincerely for the lawfulness of the *oath* it selfe, which his *Maiestie* by Act of *Parliament* hath commanded, which euery deuout subiect, and well affected to his *Maiestie*, who thinketh the oath to bee lawfull, may lawfully, and is also bound to doe.

23. For, as well obserueth *Gabriel Vasquez* \*, and other Diuines out of *Aristotle* \*, to make an act of vertue, to be morally good, and vertuous, it is not onely required, that it haue a good, and vertuous object, but also it must be done directly for the goodnesse, and honestie of the vertue it selfe, and not for any other end, or motiue. For otherwise if one doe acts of vertue, as of iustice, or temperance, not for iustice, or temperance sake,

\* Nu. 16.

y 1. 22 disp. 51.  
cap. 3. & disp. 73  
cap. 7. & disp.  
16. cap. 5.  
22. Ethic. cap. 4



fake, but for some other end, as for lucre, vainglorie, feare of punishment, or any other motiue whatsoeuer, *he shall doe, saith Aristotle, iust, or temperate actions, but he shall not doe them iustly, or temperately, neither shall he for doing those actions be reputed a iust, or temperate man: which Aristotle declareth by this example. For it is one thing, saith he, to make a Grammaticall construction, and another thing to make it Grammatically; for if one hauing no skill in Grammer, doth either by chance, or another prompting him, make rightly a Grammaticall construction, he maketh doublesse a Grammaticall construction, but he maketh it not Grammatically; but if one make the same by art, he maketh both a Grammaticall construction, and also Grammatically, because he maketh it by the art, and skill, which is in him.* And as in arts the knowledge of the art is required, to doe a thing artifiuously, or according to art; so in vertues, according to *Aristotle*, a vertuous intention (for to vertues, saith he, *knowledge doth little, or nothing auaille*) to doe the act for vertues sake, is necessarie, that the act be done vertuously, or according to vertue.

24. Wherefore, as well saith *S. Thomas*, as the nature of a law doth containe two things; first, to be a rule of humane actions: secondly, to haue power to compell; so may a man in two manner of waies be subiect to the law; first, as one, who is ruled, is subiect to the rule, and in this manner all men, who are subiect to authoritie, are subiect to the law, which is made by authoritie: secondly, as one, who is compelled, is subiect to him, who compelleth him, and in this manner only wicked men, and not the iust and vertuous are subiect to the law. As if hee should haue said, iust and vertuous men are subiect to the directiue power of the law, but not to the coactiue power; or, which is all one, the iust doe not obserue the law for feare of punishment, as the wicked doe, but for the loue of vertue, wherein by force of the law they are directed, and not to the obseruing whereof for feare of punish-

2.1.22. q.96.  
art.5.

• Tom.8.in il-  
lud Plal.1.Sed  
in lege Domini  
&c.

ment they are compelled; so that they are said to be in the law, not vnder the law. For, it is *one thing*, saith S. *Augustine*<sup>b</sup>, *to be in the law, another thing to be vnder the law. He that is in the law, secundum legem agit, doth according to the law, he that is vnder the law, secundum legem agitur, is drawne according to the law*; as if hee should say, is drawne, enforced, and constrained as a slaue to keepe the law. And this difference betwixt good men and bad men in obseruing lawes, is well declared by the *Poet* in those verses:

*Oderunt peccare boni virtutis amore,  
Oderunt peccare mali formidine pena.  
For vertues loue the vertuous man  
from vices doth abstaine.  
For feare of paine the wicked man  
from sinning doth refraine.*

• Nu.29.before  
cited.

25. To conclude therefore this answer, it is false, which Father *Parsons*<sup>c</sup> affirmeth, that there is no other freedom in taking this, then which a Merchant hath in a tempest, either to cast out his goods into the sea, for lightening his ship, or to be drowned himselfe. For the only motiue, which causeth the Merchant to cast out his goods into the sea, is to escape that danger of drowning, which if it were not, he would be altogether vnwilling to cast away his goods: but the onely motiue, why a loyall subiect, and well affected to his *Maiestie*, ought to take this oath, is not the feare of punishments, but the loue and desire hee hath to obey the iust and lawfull command of his Prince, whom he is readie to obey, although he should impose no punishment on them, who should transgresse his law. The comparison of Father *Parsons*, betwixt the taking of this oath, and the casting of ones goods into the Sea, had been doubtlesse apt, and fit enough, if the Oath were in it selfe vnlawfull, for then the only feare of punishment, and of incurring his *Maiesties* displeasure, could moue the subiects to take the oath: but vnlesse this first be proued, which doubt-  
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lesse the former obiections haue not yet conuinced, there can bee no great coherence in Father *Parsons* discourse, neither doth the aforesaid obiection against this last branch of the *oath* in any wise conuince the *oath* to be vnlawfull. And if notwithstanding all this, which hath been said, there be any one, who doth not *willingly* take this *oath*, let he himselfe looke to that; it is sufficient, that, if with an attentive eye he will reade; and with an indifferent iudgement consider what wee haue said, hee may most evidently perceiue, that this *oath* containeth in it no false, or vnlawfull thing, and consequently, that it may bee taken *heartely, willingly,* and *freely*, without any feare of punishment, or any constraint at all.

26. Finally, the Kings *Maiestie* and Parliament had farre greater, and more vrgent reasons to command the subiects to take this *oath* heartely, and willingly, then to obserue *heartely* and *willingly* the other lawes of the Realme; because the principall end and intention of his *Maiestie* in enacting other lawes is, that they be only outwardly obserued; neither doth he greatly care with what inward affection his subiects doe fulfill his outward precepts; for that to the outward conseruation of publike peace and quietnes in his kingdome, he thinketh it sufficient, that his precepts and lawes bee outwardly and publickly obserued. But this *Oath* of Allegiance was principally deuised for this end, to make triall, how his Subiects were inwardly affected towards his *Maiestie* in those things, which appertaine to their loyaltie, that by that meanes he might haue good assurance of their constant fidelitie, and obedience, and, as much as may be, be made secure from danger of future conspiracies. For *furious, and bloodie opinions*, as very well said his *Maiestie* <sup>d</sup>, doe now and then bring forth also bloodie conspiracies, as was that of the Powder-Treason. And therefore it was necessarie that he should compell all his Subiects to take all the clauses of this

Oath

<sup>d</sup> In Praefat.  
Monitoria non  
longe à prin-  
cipio.

Oath of Allegiance not onely in outward words, but also sincerely, vnsaignedly, willingly, and truly with all their hearts.

And thus much concerning the principal obiections, which are vsually made against all the particular clautes of the *Oath*, it remaineth onely that in like manner we diligently examine all the chiefe obiections, which are commonly vrged against the *Oath* in generall.

*The tenth and last Chapter.*

*Sect. I.*

<sup>a</sup> In respons. ad  
Apolog. pag.  
7. et 23.  
<sup>b</sup> Nu. 15.  
<sup>c</sup> Pag. 47.



Irst therefore Card. *Bellarmino*, <sup>a</sup> and *Lessius*, <sup>b</sup> as his English *Recapitulator* <sup>c</sup> relateth, doe object against the *Oath* in generall, that even from the iudgement, and confession of the *King*, and *Parliament*, and from the end, for which this *oath* was deuised, it may bee concluded, that it doth not onely containe ciuill obedience, and temporall allegiance, as his *Maiestie* pretendeth, and vnder colour whereof he imposeth it vpon Catholikes. And this is the whole force, and substance of their argument.

2. That *oath* can not in the iudgement of these containe onely temporall allegiance, and ciuill obedience, which by them was only inuented for the discovering, and repressing of Popish Recusants, but this *oath* was by the *King*, and *Parliament* only inuented for the discovering, and repressing of Popish Recusants, therefore this *oath* can not in the iudgements of the *King*, and *Parliament* containe only temporall allegiance, and ciuill obedience.

The *Minor* proposition is euident: because that thing can not be iudged an apt meanes to discover, or make known Popish Recusants, which is as well common to Protestants, as to Popish Recusants; for otherwise it were no fit meanes

to discover the one, more then the other; but to swear temporall allegiance, and civill obedience, is as well common to Protestants, as to Popish Recusants, therefore to swear temporall allegiance can not bee indged by the King, and Parliament, to be an apt meanes for the discovering of Popish Recusants.

3 The Minor proposition is manifest, both by title of the Act is selfe, wherein this Oath is commanded, which is; An Act for the better discovering, and repressing of Popish Recusants; and also by the King himselfe, who in his Apologie for the Oath of Allegiance, doth seeme, as shall appeare by Cardinall Bellarmine, to affirme the same. Wee proove, saith Cardinall Bellarmine <sup>d</sup> that this oath doth not only containe the Civill Obedience of Subiects towards their Prince in canjes meereley temporall, as the King in his Apologie affirmeth. First by the Kings Edict, wherein the forme of this Oath is contained, and prescribed. For the title of the Edict is this, An Act for the discovering, and repressing of Papists. Wherefore is it not saide, for the discovering, and repressing of Rebells? but for that the end, why this Oath was devised, is not the discovering of those, who deny Civill Obedience, which is proper to Rebells, but the discovering of those, who deny the spirituall Supremacie of the King, and acknowledge the spirituall Supremacie of the Pope, which is knowne to be proper to Catholikes, whom you call Papists. I adde lastly a confirmation <sup>e</sup> hereof out of the words of this Author, to wit, the Kings Majestie; for although he hath a thousand times repeated, that in this oath is only contained Civill Obedience, neverthelesse in the 88. page <sup>f</sup> it escaped him unawares, that this Oath was devised to forbid the people to drinke so deeply in the cup of Antichristian fornications. For what doe our Adversaries usually call Antichristian fornications, but the renouncing of the Popes authority? Therefore not only Civill Obedience, but also the detesting of spirituall obedience is contained in this Oath.

<sup>d</sup> In the place before cited.

<sup>e</sup> In the place before cited. pag. 12.

<sup>f</sup> It is in the English Edition on pag. 84.

By D. Andrews then Bishop of Cicester, now of Ely. p. 13. et seq.

4. This obiection hath beene long since so largely and fully satisfied in *Tortura Torti*, & or in the *Answere to Cardinall Bellarmines booke against his Maesties Apologie for the Oath of Allegiance* then published vnder the name of *Matthæus Tortus*, that I meruaile, with what bouldnesse learned *Lessius*, if he did see the aforesaid *Answere*, and especially the English Recapitulator of *Lessius*, (who, at that time, when this *Answere* came forth, living in this kingdome, did, as it is probable, both see it, and reade it) durst presume to inculcate againe so nakedly the selfe same obiection.

5. The whole force therefore of this obiection is only grounded on the bare title of the Act of *Parliament*, wherein the taking of this *Oath* is commanded. But if it had pleased Cardinall *Bellarmino*, and *Lessius*, to haue perused, not onely the title of the Act, but also the whole Act it selfe (which vndoubtedly, according to the receiued rule of the Ciuill Law related in the first Chapter,<sup>h</sup> they ought to haue done, before they had deliuered their iudgement concerning the whole *Oath*, or any part thereof, for that it is an *unciuill part*, saith the Law,<sup>i</sup> to give an *answere*, or iudgement, concerning any one particular clause of the Law, vnlesse the whole law bee first perused) they might most evidently haue perceived, what was the end, and intent of the *Parliament* in framing this *Oath* of Allegiance, and that their obiection taken from the end, and reason of the *Oath*, is vaine, frivoulous, and of no force at all.

6. For first it is manifest, that in this *Act* of *Parliament* are enacted many lawes, and Cardinall *Bellarmino* himselfe numbred *fourteene*, whereof the farre greater part doe not appertaine to the taking of this *Oath*, but onely to the discovering, and repressing of Popish Recusants for points of Religion; And therefore the *Act* might rightly bee so intituled, by reason of the greater part of the Lawes therein contained, according to that vulgar *Maxime* of the Philosophers, *Denominatio fit ex maiori*

<sup>h</sup> Sec. 2. nu. 3.

<sup>i</sup> Leg. Inciuile  
F. de legibus.



*maiori parte. Denomination, or the imposing of names is to be made from the greater part.* Wherefore no forcible argument can be drawn from the title of the *Act* to prove that the *Oath*, which is the least part of the lawes comprehended in that *Act*, was either deuised to discover, & repress popish Recusants, or that it containeth more then the profession of ciuill obedience.

7. But if Cardinall Bellarmine, and Lessius had diligently considered not onely the title of the whole *Act*, wherein, as we haue said, very many lawes are contained, but also the *Preamble* to this particular Law for taking the *Oath*, which *Preamble* doth virtually imply the title thereof, they might easily haue perceiued, what was the end, for which the *Parliament* framed this *Oath*: For the *Preamble* to the Law for taking the *Oath*, is by the Parliament expressed in these words: *And for the better triall, how his Maiesties Subiects stand affected in point of their Loyalty, and due obedience, Be it also enacted &c.* This therefore was the true end, and meaning of the *King* and *Parliament* in framing this *Oath*, to make a triall what Catholikes were loyall Subiects, and who were disloyall. They had long before cleare and manifest means by many lawes established in this Kingdom, as by the *Oath* of the Kings Supremacy in causes Ecclesiasticall, by the Law for repairing to the Protestant Churches once euery month, and by many such like, to discover Catholikes, whom they call Papiſts, and Popish Recusants in points of Religion, without deuising such an vnfit, and altogether insufficient meanes, as is the taking of this *Oath* of Allegiance.

8. Secondly, that it may clearly appeare how weak and vnfound is this argument, which is drawn from the bare title of the *Act*, to prooue that this *Oath* containeth in it more, then ciuil Obedience, be it so as these men say, that not onely the title of the *Act* in generall, wherein neuerthelesse many other lawes appertaining to Religion are, as we said before, contained, but also

the title of the Oath it selfe in particular be, for the discovering, and repressing of popish Recusants, yet what from hence can bee rightly inferred to impugne the Oath, I cannot truly in any wise perceiue. And if Cardinal Bellarmine do demand, if this Oath containe only ciuill Obedience, why then is the title thereof, an Act for the discovering, & repressing of popish Recusants, & not rather for the discovering of Rebels, and of such as denie ciuill Obedience, which is proper to Rebels? To this question both the Parliament it selfe, and also the Kings Maiestie haue fully answered, as any man may easily perceiue, who shall but sleightly read ouer his Maiesties Apologie, and the very next words of the Parliament, which doe immediatly follow the title of the aforesaid Act. And because the words of the Parliament are in effect al one with those which his Maiestie hath published to the whole Christian world, it shall be sufficient at this time to rehearse his Maiesties words for the clearing of this matter.

9. And although, saith he, <sup>k</sup> the onely reason these Traitors gaue for plotting so heinous an attempt, was the zeale they caried to the Romish Religion; yet were neuer any other of that Profession the worse used for that cause, as by our gracious Proclamation immediatly after the discoverie of the said fact doth plainly appeare: onely at the next sitting downe againe of the Parliament, were there lawes made setting downe some such orders, as were thought fit for preuenting the like mischiefe in time to come. Amongst which a forme of Oath was framed to be taken by all my Subiects, whereby they should make cleare profession of their resolution, faithfully to persist in obedience vnto me, according to their naturall Allegiance; to the end that I might hereby make a separation, not onely betweene all my good Subiects in generall, and unfaithfull Traitors, that intended to withdraw themselves from my obedience; but specially to make a separation betweene so many of my Subiects, who although they were otherwise Popishly affected, yet retained in their hearts the print of their naturall due-

<sup>k</sup> In his Apologie. pag. 1. num. 1.

tieto their Soueraigne; and those, who being caried away with the like fanaticall zeale that the Powder Traitors were, could not containe themselves within the bounds of their naturall Allegiance, but thought diversitie of Religion a safe pretext for all kinde of Treasons, and rebellions against their Soueraigne. And in his premonition to all Christian Princes, This Oath, saith he, was ordained only for making of a true distinction, betweene Papists of quiet disposition, and in all other things good Subiects, and such other Papists, as in their hearts maintained the like violent bloodie Maximes, that the Powder traitors did.

1 Pag 9.

10, Wherefore, wee may freely grant to Cardinall Bellarmine and Lessius, that the intent of the King and Parliament in framing this Oath was, to discover Papists, or Popish Recusants, but such Recusants, who refused to give assurance of their allegiance due to his Maiestie, such Popish Recusants, who maintained in their hearts those bloodie Maximes, and opinions, that those barbarous Powder-traitours did, to murder the Kings Maiestie for advancement of Religion: such Popish Recusants, who doe holde it not repugnant to Catholicke faith, that it is in the free power of Subiects, or any other whatsoeuer to depose, or if they will, to murder Princes, which be excommunicated, or depriued by the Pope; such Popish Recusants, who doe firmly belecue, that Princes may by the Popes spirituall power be thrust out of their temporall kingdomes, which they lawfully possesse, and that this doctrine is so certaine, that no Catholicke can with a good conscience, and without denying the Catholicke faith defend the contrary opinion, and by oath, if neede require, confirme the same. And by this wee may cleerely perceiue the meaning of his Maiesties words, which Cardinall Bellarmine hath wrongfully (I speake with reuerence) retorted against his Maiestie, yea and hee hath shamefully contrould his Maiesties sentence, cutting off half the words of the whole sentence, which doe evidently explaine the

<sup>m</sup> In his Apologie, pag. 84.

<sup>n</sup> Cardinall Bellarmine in his objection leaueith out those words, but that they may keepe and so forth, which doe plainly declare the meaning of the former.

<sup>o</sup> Obserue those words of his Maiestie, drinke so deeply, but that, &c.

the meaning of the rest. For thus writeth his Maiestie <sup>m</sup>.

11. *And this Oath giuen vpon so vrgent an occasion, for the apparant safte of me, and my posteritis, forbidding my people to drinke so deeply ° in the bitter cup of Antichristian fornications, ° but that they may keepe so much honey in their hearts, as may argne them still espoused to me their Soueraigne, in the maine knot of true allegiance.* For his Maiestie in these words doth not affirme any other thing, but what in other places he hath often repeated, neither did these words slip from him vnawares, but he spoke them aduisedly, and with mature deliberation, to wit, that this *oath* was deuised, not to forbid his Catholicke Subiects, that they should not reuerence at all the Popes spirituall authoritie, but that they should not reuerence it *so excessively*, ° but that, they may argue themselves still espoused to his Maiestie in the maine knot of true Allegiance; that they should not reuerence it *so excessively*, that they should beleue, that the Pope had authoritie to giue them leaue to beare Armes, and raise tumults against his Maiestie, not to reueale treasons and traiterous Conspiracies against him, and finally to depose him, or if they will, to murder him, if hee should be excommunicated or depriued by the Pope: that they should not reuerence it *so excessively*, that they should imagine, that temporall obedience, and constant allegiance due by the law of God and nature to every lawfull Prince, although he be an heretike, can not stand long together with Catholicke Religion, and with spirituall obedience due to the Pope by Christ his institution.

12. To the objection therefore in forme it is answered, by declaring the Maier proposition, whereby also the sense and meaning of the Minor will be very easily made manifest. For although this *oath* which is common both to Protestants and Catholickes, or Popish Recusants, can not bee a fit meanes for the discovering of Popish Recusants in points of Religion, yet it may be

be a very fit meanes for the discovering and distinguishing of Popish Recusants among themselves in points of their loyalty, and how concerning their allegiance they are affected towards his *Majestie*, which was the cheefest, yea and onely intent of the *King* and *Parliament* in devising this *Oath*, and not to distinguish Catholics from Protestants in points of Religion. And although to sweare true allegiance to a temporal Prince, be as well common to Protestants as to Catholics, as being commanded by the law of God, and nature to all Subjects towards their lawfull Prince, what Religion soever hee doth professe; yet, as in those things, which are required to Civill obedience, and true allegiance there may bee great disagreement in opinions, both among Catholics themselves, and also among Protestants, as for example, whether civill obedience be due to a Prince, after hee be excommunicated, or deprived by the Pope? Whether a spirituall power hath authoritie to deprive Princes not onely of their kingdoms, but also of their lives? Whether the *Pope* bee supreme temporall King, and direct Lord in temporals of all the kingdoms of the Christian world, and such like? So also there may be a great disagreement among them concerning those things, which Princes may command their Subjects to sweare for confirming of their true Allegiance.

13 And vndoubtedly a temporal Prince hath full power and authoritie, to require of his Subjects an oath of allegiance, not onely in general words, but also such an *oath* in particular, which supposing that it bee in it selfe lawfull, the King and State for the preventing of future conspiracies, and tumults in the Common-wealth, and for the discovering of those Subjects, who are not well affected in points of their loyalty, shall prudently and probably iudge to bee necessary. And because at that time, when this *oath* was devised, the *King* and *State* (by reason of that barbarous, and altogether inhu-

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mane conspiracie of the *Powder-treason*, but then newly discovered) had many, and strong reasons offered them, rather to suspect the loyalty of Catholikes, who were the cheefe *Captaines, Authors* and *Actors* of that most detestable treason, then of the Protestants, therefore the *Act*, wherein this oath is prescribed, might rightly be entituled, An *Act for the discovering and repressing*, not only of Rebels in generall, nor yet of Protestant rebels, but *for the discovering*, and after they be discovered *for the repressing*, with grievous punishments, rebellious Catholikes, whom they call *Popish Recusants*, because their loyalty, as hath bin said, was then through out the whole Kingdome more suspected, then the loyalty of Protestants.

## Sect. II.

1. **T**He second Obiection against the oath in general, is taken especially from the authoritie of the *Popes Holiness*, who by his *Breues* hath declared the oath to be altogether vnlawfull, which declaration the Kings *Majestie* taking in euill part, did set forth an *Apologie* for the Oath of Allegiance, at the first concealing his name, but afterwards hee put it forth in his owne name, adioyning thereunto a *Premonition* to all Christian Kings and Princes. Which his *Apologie* gaue occasion to Cardinall *Bellarmino*, and many other Diuines to enueigh bitterly against the said Oath, and also the Kings *Apologie*, and to defend with might and maine the *Popes Breues* directed to the English Catholikes. His *Holiness* therefore that now is, Pope *Paul* the first in his two *Breues* directed to the English Catholikes, doth expressly forbid them to take the said oath, for thar, as he affirmeth, *it must evidently appeare vnto them by the words themselves, that it can not be takē without preiudice to the Catholike faith, and the saluation of their soules, seeing that it condemnes many things which*  
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are cleerly repugnant to faith, and Saluation. And in this third Breue directed to Master George Birket Archpriest byter of the English Priests, he enioyneth, and commaundeth him, and for this he giveth him speciall faculty, that he observing certaine conditions in that Breue expressed, which we beneath will rehearse, do by the Authority of the Sea Apostolike deprive and declare to be deprived all those English Priests, and every one of them, who have taken the said Oath, or have taught, and doe teach, that it may lawfully be taken, of all faculties, and priviledges graunted to them, or to any of them from the said Sea Apostolike, or by her authority from any other what soever.

P Nil. 60.

2. From hence therefore this argument may be framed.

In doubtfull, and disputable matters, especially such, as doe meerely concerne the Catholike Faith, and the eternall saluation of soules, every Catholike is bound in conscience to follow the surer part, to wit, that part, wherein there is no danger of sinning at all, or wherein lesse danger of sinning can be feared: But whether this Oath of Allegiance may lawfully, and without danger of denying the Catholike faith be taken, is as the least wise a doubtfull and disputable matter, and lesse danger of sinning can be feared by refusing it, then by taking it, therefore every Catholike is bound in conscience rather to refuse it, then to take it.

3. The Maior proposition is evident out of that vulgar Maxime of the Canon Law, & approned by all Divines, and Lawyers, that in doubtfull matters the surer part is to be chosen. The Minor also is manifest enough to every Catholike. For first no Catholike can deny, but that at the least it is a doubtfull question, whether this Oath may lawfully, and without perjury bee taken, seeing that not onely the most eminent Divines of these daies, as Cardinall Bellarmine, Gretzer, Lessius, Bocanus, and many others, have in their publike Writings condemned the same, as impious, sacrilegious, and cleerly repugnant to Catholike Faith, & the saluation of soules, but also the supreme Pa-

q in cap. ad audientiam, et in cap. significati i. et 2. de homicidio. et in cap. Juvenis de sponsalibus.

r Pag. vltima, &  
also his Eng-  
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lator p vltima.

for of the Church, hath, as Lessius<sup>r</sup>, and some others affirm by his Breues expressly defined the same, and that which no man can deny, hath strictly commanded all Catholikes not to take the same, for that it conteineth many things, which are cleerely repugnant to faith and Salvation.

4. Secondly, that there is either no danger at all, or at least wise lesse danger of sinning by refusing it, then by taking it, is also evident out of the same Maxime, or principle. For according to all reason, that Catholike doth incurre lesse danger of sinning, who in spirituall matters, and which belong to the eternall saluatiō of his soule, as what position is hereticall, or not hereticall, what Oath is lawfull, or sacrilegious, when action deserueth Gods wrath, or doth not deserue it, doth follow not onely the direction and command of him, whom God hath appointed to be the spirituall Guider, Director, and Governour of his soule, but also the vniuersall consent of Catholike Diuines, who doe condemne this Oath, as impious, and contrary to Catholike faith, then he who followeth the counsell and command onely of a temporall Prince, and Parliament, (who especially are no Catholikes, and to whom although they were Catholikes, the charge of soules is not committed by Christ, neither haue they any authority in spirituall affaires) and the singular opinion of one, or two Catholike Priests, who also rather for feare, as being detained in prison, or for some temporall respect, as to please the Prince, in whose kingdomes they line, or to deliuer themselves from the troubles of the time, then for any sufficient reason doe bould the Oath to be lawfull,

5. Moreover, the danger of loosing for euer the eternall kingdom of Heaven, is farre greater, then the danger of loosing for a time all temporall goods; but in taking this Oath their is great danger of periurie, and of denying the Catholike faith, and consequently of loosing the Kingdom of Heaven, in refusing it there is only danger of loosing all temporall goods, and libertie for a short time, this statute for taking the Oath being meereley penall, therefore in ta-  
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king the Oath, there is farre greater danger, then in refusing it.

6 This *objection* doth much trouble the consciences of the vnlearnedder sort of people, who for want of sufficient skill in Diuinitie, are not able to discerne, what opinion they may with a good conscience follow, when Catholike Diuines themselues doe not agree in their opinions. And therefore for the fully satisfying of timorous consciences, I thought it necessarie to examine this objection somewhat at large, and out of the Doctrine of Catholike Diuines to set downe certaine generall rules, by the which, if they be well obserued, any Catholike man as well vnlearned, as learned, may cleerely perceiue, how he may with a safe conscience, and without danger of temeritie, or any other crime follow both in speculation and in practise, this, or that opinion, whereof there is disagreement among Catholike Diuines. And in setting downe these rules, I haue for this especiall cause chosen to follow before others that most learned Diuine of the societie of Iesus *Gabriel Vusquez*, for that the chiefe impugnors of this Oath, to wit, the *Iesuites* will not doubtlesse condemne the Doctrine of this famous Diuine concerning this point as improbable, both in regard of his singular learning, and also for that he is one of their owne societie.

7 First of all therefore *Vusquez* obserueth, that among opinions, one is more secure, an other is lesse secure; it is called a more safe, or secure opinion, not for that it is more probable, but because he, that followeth it, can commit no sinne: As if there bee two contrary opinions concerning restitution, that, which saith that any thing is to bee restored, is called the more safe or secure opinion, because in restoring there can be no offence: and the contrary opinion is said to be the lesse secure, because in not restoring there may be some sinne committed, and so in other matters. Likewise the more secure opinion is accounted that, where in there would be the lesser sinne, then in the contrary, when

1. 2 disp. 62. c.  
1. nu. 1.

disp.  
66. c. 4. nu. 21.

it is necessary to choose one of those two opinions, in both which there is sinne. For whensoever two evils doe so meet together, that if necessity one of them must be chosen, that doubtlesse is to be chosen, which otherwise would be the lesser evil, and consequently in choosing that there can bee no sinne at all. And the reason thereof is manifest, for considering that no man can in any case be so perplexed, but that he may choose one part without any sinne, and if of two evils the one must of necessity be chosen, there is great reason, that we should choose the lesse, it followeth that wee doe not sinne in the choosing thereof, and so that euill, which otherwise considered by it selfe, would be a sinne, is in that case no sinne, and therefore that part is the more secure, if it be chosen, when it occurreth with a greater euill, according to that vulgar *Maxime*, A lesser euill, in comparison of a greater, is a kind of good. And of this case you may reade an example in *Vasquez* in the place last cited.

8. Furthermore, among opinions, one is more probable, an other is lesse probable. That is more probable, which hath the better grounds; that is lesse probable, which although it hath not better grounds, yet the grounds thereof want not sufficient probabilitie. It may therefore fall out, that an opinion, which is lesse secure, to wit, wherein perchance there may be sin, be more probable, and contrariwise, that part wherein there can be no sinne, to be lesse probable: as in the aforesaid example of making restitution, that part which saith that we ought not to make restitution, may be more probable, that is, may haue better grounds, and yet it is the lesse secure; and contrariwise that part, which saith, that we ought to make restitution, which is the more secure, may haue the weaker grounds, yea and sometimes it may be altogether improbable.

9 Secondly, he obserueth, " that to assent to any opinion, or proposition, is nothing else, then to perceiue that there is a greater connexion, betwixt the subject and the predicate in one part of the contradiction, then in the other, or which is all one, to iudge that opinion, or proposition

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<sup>u</sup> Disp. 62. cap.  
3. nu. 8. et di p.  
79. cap. 3. nu.  
13. 14.

on to be true: To dissent, is nothing else, then to perceive, that there is a greater disconuenience betwixt the subiect, and the predicate in one part of the contradiction, then in the other; or which is all one, to iudge that opinion, or proposition to be false; To doubt, or to be doubtfull of either part, or opinion is neither to perceive, that there is greater connexion, nor greater disconuenience in one part of the contradiction, then in the other, or which is all one, neither to iudge one part, or opiniō to be true, nor false, but to suspend his iudgement on both parts; which proceedeth from this, that neither the reasons for the one part, nor for the other are sufficient to shew greater conuenience, then disconuenience, or to shew rather the truth, then the falshood of either part: for then the understanding stayeth, or staggereth, and doth not assent more to the one part then to the other. As if to one, who knoweth not the number of the starres, this question should be propounded, whether the starres bee odde, or euē, hee would stagger thereat, and remaine doubtfull, neither would hee giue his iudgement thereof, for that hee doth not perceiue the predicate to agree to the subiect or to disagree, or which is all one, hee doth not perceiue whether part is true or false.

10. Thirdly, he obserueth, \* that he, who doth assent to an opinion by proper, and intrinsecal grounds, or, which is all one, iudgeth that opinion to be true, although his assent, or iudgement be only probable, (for sometimes the assent may be euident, when the proofes be euident, and sometimes only probable, when the proofes be only probable) cannot also assent to the contrarie opinion by intrinsecall and proper grounds, but he may well by extrinsecall grounds iudge the contrarie opinion to be probable. Proper and intrinsecall grounds we call the cause of the thing, or the effect thereof, or the absurdities, and impossibilities, to which they are druen, who hold the contrarie opinion. For all these, and euery one of them doe shew, that there is a proper connexion betwixt the subiect, and the predicate

\* Disp. 62. cap.  
3. nu. 10.

in themselves, or, which is all one, doe shew that proposition, or opinion to bee more true, then the contrarie. Extrinsicall grounds, are onely the authoritie of those men, who defend the contrarie opinion, by reason of which, we doe iudge the contrarie opinion to be probable. And as it is impossible for one at the same time to assent to two contrary opinions by intrinsicall grounds, for so he should at the same time haue two contradictorie iudgements of the same thing, which is impossible; so it is not impossible to assent to one opinion by intrinsicall grounds, and by extrinsicall grounds, to wit, by reason of the authoritie of those Doctors, who hold the contrary, to iudge that part to be probable. For these two assents, or iudgements, are not of the same thing, and therefore they are not contradictorie: because the former assent by intrinsicall grounds, is concerning the truth of the proposition in it selfe, or which is al one, concerning the absolute proposition; as in this, *The Pope hath not power to depose the King*: but the other assent by extrinsicall grounds is concerning the probabilitie of the proposition, or which is all one, concerning the modall proposition, as in this, *It is probable, that the Pope hath not power to depose the King*. And as this later proposition is not contradictorie to the former, so also the assent to this later, is not contradictory to the assent of the former.

7 Disp. 62. cap.  
4. nu. 12.

II. These rules being obserued, Vasquez y affirmeth first, that if a learned man, who hath taken no small paines in studies, and hath also thoroughly seene, and examined the reasons of the contrary part, shall iudge against all other writers, who haue gone before him, that his opinion is the more probable, he may, although it be the lesse secure opinion, lawfully embrace it, and practise follow it. And this his doctrine he gathereth, as he saith, from the common consent of Doctors. And the reason is manifest; For if one hath a sharpe wit, and a ripe iudgement, and hath thoroughly seene, and diligently examined all the reasons of the contrary part, and indgeth them not to  
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be sufficient, he doth not seeme to commit any imprudence by following in practise his owne opinion, because in morall matters, which are not certaine, but exposed to opinions, he also iudgeth with maturitie. For we cannot denie, but that a companie of Doctors doe sometimes follow an opinion without any choyce of reasons, or at the least, not so exactly considering the reasons; against whom an other Doctor of great authoritie may afterwards bring into the Schooles an opinion, which is by him with maturitie inuented.

12. But if any man upon some light reason, <sup>a</sup> and without due consideration doe against all other Doctors embrace an opinion, which is lesse secure, he sinneth doubtlesse, not for that hee iudgeth against his conscience, as some do think, but for that he iudgeth rashly, and inconsiderately of that matter, as Nauarre <sup>a</sup> doth well affirme: But when it is to be accounted a rash iudgement, and a light reason, it is left to the iudgement of a prudent man. Neither is the opinion of one Doctor against all others in a doubtfull and disputable matter to be accounted rash, or temerarious, if it be inuented upon a mature ground, or reason. For as wel obserueth Corduba, <sup>b</sup> that opinion is absolutely to be accounted temerarious, not which is contrary to the common vnderstanding of Scholasticall Doctors, but which is inuented without sufficient ground and reason: for many opinions were in the beginning inuented, and brought into the Schooles, which then were not common. Neuertheless in this matter, to wit, in inuenting new opinions, great maturitie, or consideration must be obserued.

13. Secondly, he affirmeth and saith withall, <sup>c</sup> that it is now, and hath bene long since the common opinion in Schooles, that it is lawfull for a learned man to follow in practise against his owne opinion, which hee iudgeth to bee the more probable, the opinion of others, although there opinion be the more secure, and also in his iudgement the more probable, so that it be not void and destitute of all rea-

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<sup>a</sup> Vasquez cap. 4. nu. 13.

<sup>a</sup> Cap. Si quis de penitentia dist. 7. nu. 50. 51 )<sup>2</sup>.

<sup>b</sup> Lib. 1. quæstion. 6. 17. q. 13.

<sup>c</sup> Cap. 4. nu. 14.

<sup>d</sup>Cap.13.nu.11

son, and probability. Neuerthelesse, that one may lawfully follow in practise <sup>d</sup> another mans opinion against his owne, he must frame in his understanding a particular, and determinate iudgement, or dictamen of conscience, by which determinate iudgement he doe beleene, and perswade his conscience that it is lawfull for him in that case to follow in practise the opinion of others; for otherwise if he should not haue this determinate iudgement, he should doe against his conscience, which in no case is lawfull. And this particular iudgment, or dictamen of conscience no man can frame, or deduce from proper, or intrinsicall grounds, if he perseuere in his owne opinion; because it is impossible, that with an vniuersall iudgment, wherwith one by intrinsicall grounds beleeneth that such an action in vniuersall is unlawfull, hee should also by intrinsicall grounds haue a particular iudgment, by which he may beleene, that particular action comprehended under that vniuersall to be lawfull. Therefore this particular dictamen of conscience, by which hee perswadeth himselfe, that it is lawfull for him in his time & place to follow an other mans opinion against his owne opinion in vniuersall, must of necessity bee had by extrinsicall grounds, to wit for that he beleeneth the contrary opinion to be probable in regard of the authority of those men who doe follow it.

<sup>e</sup>Cap.4.nu.14.

14. And this assertion Vasquez <sup>e</sup> proueth, because for this only cause that any opinion is probable, and defended by men skilfull in that Art, and grounded upon probable reason, as we cannot iustly be reprehended for defending it in Schooles, so also with a safe conscience wee may follow it in practise. For as in speculative things any mā may <sup>f</sup> without any note of error follow the opinion of other men, who are skilfull in that Art against his owne opiniō, so also in morall, or practicall things any man may without any spot of sinne, or imprudencie, follow the opinion of prudent men against his owne opinion.

<sup>f</sup> Medina 1a. 2<sup>a</sup> q 19. ar. 6.

15. But to know, when the opinion of other men is probable enough, that a learned man may in practise follow it against his owne (for if the opinion of other men be not probable,

ble, no man saith, that any man may in practise follow it) is  
 is here by the way to be observed first, & that it must not be  
 a singular opinion, and of one onely Doctour. For if I like  
 not the proper, or intrinsecall grounds of that singular opi-  
 nion of one onely Doctour, but of the contrarie, and see it  
 to be grounded onely upon the authoritie of one Doctour, I  
 ought not to account it probable to this effect, that I may  
 prudently follow it in practise against my owne, and the com-  
 mon opinion of all others. He said [ to this effect, &c ] for  
 although the contrary opinion may be probable to the Au-  
 thor thereof according to that, which hath beene said be-  
 fore,<sup>h</sup> yet to me, who beleue the contrary opinion to  
 be true, it ought not to be accounted probable, so that  
 I may prudently follow it in practise. Secondly, it must  
 be such an opinion, which a learned man may lawfully follow  
 against his owne, that it be not commonly thought to con-  
 taine in it any error, but yet to haue in it probabilitie, and  
 so that it be an opinion not utterly reiected, and biffed out  
 of Schooles. Thirdly, We may then at last with farre grea-  
 ter reason follow the opinion of others against our owne,  
 when we perceine the Authors of the contrary opinion to  
 haue seeme and considered all the grounds and reasons for  
 our opinion, and that they haue in some sort answered them,  
 and that they were not conuincd by them. For then we may  
 iustly thinke, that we may lawfully and prudently follow in  
 practise the opinion of other men against our owne: neither  
 ought we to suppose, that our reasons are euident demon-  
 strations, and which doe make the contrarie opinion to be  
 void of all probabilitie.

16. Neuerthelesse it is greatly to be observed, saith  
 Vasquez,<sup>1</sup> that it may sometimes fall out, that the ancient  
 Writers, whose opinions are now in controuersie, did not  
 consider some reason, law, or decree, which is of great force  
 against their opinion, but contrariwise that the later Do-  
 ctours, being conuincd with that reason, or law, doe now  
 defend the contrary opinion. If therefore a learned man,  
 seeing that law, or decree, or considering that new reason,

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doth

<sup>1</sup> Cap. 4. nu. 17.<sup>h</sup> In this sect.  
nu. 11.<sup>1</sup> Cap. 4. nu. 18.

doth defend the opinion of the later Writers against the ancient, he can not follow in practise the opinion of the ancient Writers against his owne opinion: because the opinion of the ancient, who haue not seene or considered that decree or reason, ought not now to be accounted probable. But if some later Writers haue obserued the objection taken from that law, and decree against the opinion of the ancient, and haue endeauoured to answer it, we ought not to iudge the opinion of the ancient writers to be void of probability, so that we may not lawfully follow it. In the same manner, if a learned man hath onely considered some peculiar argument against the contrarie opinion, which seemeth to him to be altogether insoluble, he ought not therefore to iudge the contrarie opinion to be improbable, so that he may not lawfully follow it, because he ought not by his owne proper iudgement to thinke the opinion of other men to be improbable.

<sup>k</sup> Cap. 4. nu. 18.  
19.

17. And for the same reason, a learned man may lawfully follow in practise <sup>k</sup> the probable opinion of other men against his owne, not onely when he hath a determinate assent of his owne opinion, but also if by intrinsecall grounds he hath an assent of neither part, but remaineth doubtfull of both. Yea, in this case he may with farre better reason follow in practise the probable opinion of other men, on either part, as hee shall please, although it be the lesse secure, so that by extrinsecall grounds hee haue a determinate iudgement or dictamen of conscience, that it is lawfull for him to follow that opinion, because he seeth either part to haue his learned and prudent Authors and Patrons, who doe embrace it as probable. For if it be lawfull to follow in practise the opinion of other men, against our owne opinion, whereof we haue a determinate assent, because we thinke the contrary opinion, by reason of extrinsecall grounds to be probable, much more will it be lawfull, when by intrinsecall grounds we haue no contrary assent, to follow in practise the opinion of other men.

<sup>l</sup> Cap. 5. nu. 25.

18. Thirdly he affirmeth, <sup>l</sup> that it is not necessary for a  
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learned man to follow in practise his owne opinion against others, or the opinion of others against his owne, to haue no feare of the contrary part, but he may lawfully follow in practise an opinion, hauing onely a probable assent, although he hath some feare that the contrary part be true, and although he hath this feare not onely by intrinsecall grounds, but also by extrinsecall. I purposely said with feare of the contrary part, and I did not say with doubt or staggering, because if any man were doubtfull concerning any action, whether it were lawfull, or not, he could not doe that action with a safe conscience, for that hee could not haue a particular, and determinate iudgement, and dictamen of conscience with an assent, but also he should haue a doubt concerning that particular action, whether it were lawfull, or not, but no man can lawfully doe any thing with a doubtfull conscience, as Vasquez doth shew beneath<sup>m</sup>, and all men doe confesse.

<sup>m</sup> Disp. 65.

19. For the better vnderstanding whereof the same Vasquez doth obserue, <sup>a</sup> that it is one thing to feare, and another to stagger and doubt; for to doubt and stagger, as also hath beene said before, <sup>o</sup> is to bee in suspense betwixt both parts, and to giue to neither of them any determinate assent, for that neither part seemeth to be the truer, and with this staggering or doubtfull conscience, no man can lawfully doe any action, <sup>p</sup> vntlesse he follow the surer part: for otherwise he should in his conscience expose himselfe to danger of offending God, and consequently he should in his conscience offend, according to that saying of the wise man, <sup>q</sup> who loueth danger, shall perish therein. For as he, who doth any action, doubting in his conscience, whether it displeaseth his friend, or no, doth offend against the law of friendship, and seemeth to loue more dearly that person, for whose sake he doth that action, then his friend, whom he doubteth it will offend; so also he that doth any thing doubting whether it be a sinne, and consequently displeasing to God, offendeth against the law of friendship towards God, and seemeth to loue him more dearly, for whose

<sup>n</sup> Disp. 62. cap. 5. nu. 26.

<sup>o</sup> In this sect. num. 9.

<sup>p</sup> Vasquez disp. 65. cap. 1. & disp. 66. cap. 1.

<sup>q</sup> Ecclesiasticus cap. 3.

safe he doth that action, then God, whom he doubteth it will offend.

20. But to feare one part to be true, doth not exclude a determinate assent to the contrary part, but to feare consisteth in this, that one reflecting in his minde upon the reasons of that part, whereunto he assenteth, thinketh that they are not evident, but onely probable, and therefore he also thinketh, that the contrary part may in very deed be true, although the reasons thereof doe not yet shew the same, So that to doubt doth include no assent at all, but to feare implyeth two assents; the one, whereby he iudgeth, that the opinion which hee followeth is in very deed true; the other, where by he iudgeth that it may in very deed be false, for that the reasons thereof are not conuincing, but onely probable. Seeing therefore that this feare of one part, although it be expresse, doth not exclude a determinate assent to the other part, and with enery probable assent, which is not evident, there may be feare, it followeth, that any action may be lawfully done with this feare, considering that, according to the doctrine of all Diuines, an evident assent, which in morall matters can hardly bee had, is not alwaies necessary to doe lawfully any action.

21. And what hath beene said concerning a learned man, that he may with a safe conscience doe any action, although he feare it to be vnlawfull, the same also is for the same reason to be vnderstood of an vnlearned man, who perceiuing that there is diuersitie of opinions among Doctours concerning the same matter, must of necessitie haue some feare, although hee doth by extrinsecall grounds determinately assent to one part without any doubt at all. Wherefore that vulgar Maxime of the Diuines and Canonists, *In dubiis nulli est curare verum*, whereof we haue no determinate assent, or probable demonstration of conscience, for in disputable matters, and which are in controuersie, which the vulgar sort



doe sometimes call *doubtfull*, (taking *doubtfull* for all that, which is not *certaine and evident*) it sufficeth to follow that part, which is secure, or which is all one, a probable opinion, neither is it necessary to follow the surer part, or the more probable, or more common opinion, as out of the doctrine of *Vasquez* wee now have shewed. For as no man is bound, as well saith *Bartholomaeus Fumus* in his *Aurea Armilla*, <sup>r</sup> to doe alwaies that, which is better, but it sufficeth to doe that which is good, so no man is bound to follow alwaies the better opinion, but it sufficeth to follow that opinion, which some skilfull doctors indge to be true.

<sup>r</sup> Verbo opinio  
num. 2.

22. Fourthly, and lastly he affirmeth <sup>f</sup> (in which also assertion the Divines doe commonly agree) that it is sufficient for an *unlearned man*, who is not able of himselfe to examine the reasons and grounds of those questions, which are in controuersie among Catholike Doctors, to follow that opinion, which he thinketh to be probable, and which he seeth is taught by vertuous and skilfull men in that art, although it be neither the more secure, nor the more common opinion. Hee purposedly said, [by skilfull men in that art] for as well obserueth *Michael Salon* <sup>r</sup>, That mans opinion is not forthwith to be accounted probable, for that he hath taken Degree in Divinitie, or Canon law, because it happeneth sometimes, that also some of these are *unlearned*. The reason which *Vasquez* bringeth to proue this assertion, is, Because if a learned and vertuous man may safely follow his owne opinion; although it be the lesse secure, against the opinion of others, why may not also an *unlearned man*, who ought according to reason trust to the learning, and honestie of that learned and vertuous man, follow in practise his opinion? For every man, although *unlearned*, doth well perceiue that Doctor to be vertuous, and that with a safe conscience, he followeth that opinion in practise, and in giuing counsell to others, therefore also the *unlearned man* may from thence frame a particular indgment, or dictamen of conscience, where-

<sup>f</sup> Disp. 52. cap  
8. nu. 41.

<sup>r</sup> 2<sup>a</sup>. 2. q. 63. ar.  
4. controuers. 2  
conclus. 4.

by he may beleene, that it is lawfull for him to doe that, which he iudgeth lawfull for a vertuous and learned man to doe. And from hence also Vasquez doth gather, That although that Doctour, whose counsell the vnllearned man demandeth, doth affirme, that the opinion which he followeth and which he propoundeth to the vnllearned man to follow, is against the common opinion, yet the vnllearned man may lawfully follow in practise his opinion: For the reason before alleaged doth also in this case prone the very same. And therefore most learned Navarre before<sup>u</sup> cited, did very well affirme, That in the court of conscience to the effect of not sinning it sufficeth to choose for true, his opinion, whom for iust cause we thinke to be a man of a good conscience, and of sufficient learning.

23. From this doctrine of Vasquez it followeth first, that if a learned man, and who hath for a long time studied Diuinitie, may lawfully, and with a safe conscience follow in practise his owne opinion against the opinion of all other Diuines, with farre greater reason may hee lawfully follow in practise his owne opinion, when diuers other learned men doe agree with him in the same opinion.

24. Secondly, it followeth, that it is one thing to defend an opinion, and to follow it in practise, thinking it to be true; and an other to defend an opinion, and to follow it in practise, thinking onely that it is probable. For it may happen; that one may bee truly doubtfull, and by intrinsecall grounds haue no determinate iudgment, or assent, that such an opinion is true, or false, and yet he may be morally certaine, that the same opinion is probable, for that he seeth it to be defended by vertuous and learned men.

25. Thirdly, it followeth, that those learned Catholikes, and others not so learned, who trusting to the learning and honestie of them, doe follow in practise their opinion, are not forth-with to be censured of Heresie, errour, or temeritie, when they depart from the

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<sup>u</sup> Cap 3. sect. 3.  
num. 14.

more common, the more probable, and the more secure opinion of other Catholik Doctours, yea although this common opinion seeme to be grounded vpon any Decree, Law, or Canon of Pope, or Generall Councell; which Decree, Law, or Canon those learned Diuines haue scene, examined, and answered thereunto, although their answers doth not satisfie the contrarie side.

26. Wherefore the same *Vasquez* a litle beneath <sup>x</sup>, conformably to the doctrine, which heere he teacheth, disputeth the controuersie of infused habites two manner of waies: *First*, of the *absolute question*, to wit, whether according to his opinion there bee certaine habits infused in our soule by God alone; *secondly*, of the *modal question*, to wit, whether it bee certaine, or onely probable, that such habits are infused in our soules by God alone, and he answereth, *that it is a constant, without controuersie, and vndoubted opinion of the Schoole-men*, which also he himselve alloweth, *that there be certaine vertues which we cal Theological, to wit, Faith, Hope & Charitie, which of their owne nature are infused by God alone*; and neuerthelesse he affirmeth, *that this opinion is only the more probable*, although some Doctours do hold it to be certaine, and of faith. And he in the same place disputing the same question concerning morall vertues affirmeth, <sup>2</sup> *that it is the more probable, and the more common opinion*, and to which he also with the same Doctours doth subscribe, *that there be also morall vertues, which of their owne nature are infused by God alone*; and yet he blameth certaine *Thomists*, for condemning the contrary opinion as temerarious. But although, saith he, <sup>a</sup> *I thinke this opinion to be the more probable, and thereunto with the aforesaid Doctours I doe subscribe, yet the seueritie, not to say, rashnesse of certaine Thomists, doth much displease me, who doe so adhere to this opinion, that they are not afraide vpon sleight and weake grounds, to censure the contrarie opinion as temerarious*. From whence it is cleerely inferred

<sup>x</sup> Disp. 79. cap. 1. & disp. 86.

<sup>7</sup> Disp. 79. cap. 1. & disp. 86. c. 1

<sup>2</sup> Disp. 86. cap. 1.

<sup>a</sup> Disp. 86. cap. 2.

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red, that, according to *Vasquez* Doctrine, the *constant, common, without controuersie, and vndoubted opinion* of Scholasticall Diuines may sometimes without any note of *temeritie* be impugned, seeing that the contrarie opinion may now, and then be *probable*.

27 To come therefore neerer to the proposed *objection*, which doth consist of two principall parts, *the first* that his *Holinesse* hath by his *Brenes* condemned this *Oath*, as cleereely repugnant to faith, and Saluation; *the second*, that also the chiefe learned men of these times haue in their publicke writings censured it in the same manner, it is to be *supposed first*, that although it bee in these daies the more common opinion among Catholike writers, that the *Pope* is about a *Generall Councell*, and that he can not erre in his definitions, when he prescribeth to the whole Church any thing to be necessarily belieued as of faith, for that in such definitions he is directed by the infalliable assistance of the Holy Ghost, in so much that some Diuines, among whom is Cardinall *Bellarmino* <sup>b</sup>, doe ouer boldly auouch, that the contrarie opinion is altogether *erroneous, and most neare to heresie, and almost of faith, and that it can not be excused from great temeritie, and that they who defend it, do shew them selues, to be scarce Catholikes* <sup>c</sup>, yet notwithstanding these too too seuer censures, the contrarie opinion is not void of all probabilitie, seeing that it is very vehemently maintained by most graue, most learned, most vertuous, and ancient Diuines, and Lawyers, to wit, by *Pope Adrian* the sixth <sup>d</sup>, by the Cardinall of *Cambray* <sup>e</sup>, by the Cardinall of *Cusa* <sup>f</sup>, by Cardinall *Panormitano* <sup>g</sup>, otherwise called *Abbot Panormitano*, by the Cardinall of *Florence* <sup>h</sup> master to *Panormitano*, by *Alphonso Toftatus* <sup>i</sup> Bishop *Abulensis*, by *Iohn Gerson* <sup>k</sup>, *Iohn Maior* <sup>l</sup>, *Ioannes Parisiensis* <sup>m</sup>, *Isacabus Almainus* <sup>n</sup>, and others.

28 But if any one reply, as I haue heard one of our Countriemen answere, that indeed in times past this second

<sup>b</sup> Lib. 4. de Rom. Pont. cap. 2. in fine.  
<sup>c</sup> Li. 3. de Concil. cap. 17.

<sup>d</sup> In quest de Confirmat.

<sup>e</sup> De authorit. Eccles.

<sup>f</sup> De Concord. Catholica lib. 2. cap. vltimo.

<sup>g</sup> In cap. significati extra de electione.

<sup>h</sup> Ibidem.

<sup>i</sup> In cap. 18. Matth q 108. et in defensorio part 2. cap. 69.

<sup>k</sup> l m n In suis tractatibus de potest. Eccles.

second opinion for the reason alleadged was probable, yet now it being against the torrent of Scholasticall Diuines, it is altogether improbable, and can not be defended by any Catholike, without some note at the least of temeritie, Heare what *Franciscus Victoria* a religious man of the Order of Saint *Dominicke*, a most learned Diuine of this age<sup>1</sup>, and as *Possennus*<sup>m</sup> the Iesuite calleth him, a publike, and indeede famous professor of Diuinitie in the *Vniuersitie of Salamanca* writeth concerning this matter: *There are two opinions*, saith *Victoria*<sup>n</sup>, concerning the comparison of the Popes power; the one is of *S. Thomas*, and many his followers, and of other learned Doctors both Diuines, and Canonists, that the Pope is above a Councell; the other is the common opinion of the Diuines of *Paris*. and also of many Doctors, both Diuines, and Canonists, as of *Panormitane*, and others, contrarie to the former, that a Councell is above the Pope. It is no place at this present to dispute whether of them be the truer. I thinke that both of them is a probable opinion. See also what in the Preface of my *Apologeticall answere* <sup>o</sup> I related to this purpose out of *Nanarre* a most famous Diuine of this age.

29 Yea also *Cardinall Bellarmine*, in my iudgement not much agreeable to himselfe heerein, although hee bringeth the Councell of *Florence*, & of *Laterane* vnder Pope *Leo* the tenth to proue, that the Pope is above a *Generall Councell*, which two Councels are in my opinion the strongest arguments, which hee bringeth to confirme this Doctrine, yet very cleerely confirmeth that, which we haue said, in these words: *And although*, saith he <sup>p</sup>, *this question seemeth to be afterwards defined in the Councell of Florence*, and in the last *Laterane Councell*, yet because the Councell of *Florence*, hath not, so expressly defined it, and concerning the Councell of *Laterane*, which hath most expressly defined it, some make a doubt, whether it were truly a *Generall Councell*, therefore euen to this day it remaineth a question also among Catho-

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<sup>1</sup> For he dyed in the yeare of our Lord 1546  
<sup>m</sup> Verbo *Franciscus Victoria*.  
<sup>n</sup> Relect. 4. de potest. Papæ, et Concilij propositio 3<sup>a</sup>.

<sup>o</sup> Nu. 28.

<sup>p</sup> Lib. 2. de Cōcil. cap. 13.

¶ Lib 8. de lo  
ciscap. 4 out of  
Tully Lib. 3. de  
Officijs.

*likes.* Truly it is not agreeable to Christian charitie to impeach vpon sleight grounds, vertuous and learned Catholikes of *manifest error, great temeritie,* and with this greiuous censure, *to be scarce Catholikes.* Our schoole, saith that most learned *Melchior Canus*, ¶ *giveth vs great libertie, that whatsoener seemeth to be most probable we may by our right defend, but it is not lawfull for vs to cōdemne rashly and lightly those, who doe hold, against vs.*

30 But this supposition we doe not therefore heere put downe ; for that we thinke it necessarie to the full satisfying of this present obiection, but to repress the rashnesse of some few of our English Catholikes, who vpon indiscreete zeale towards the See Apostolike, are not affraid to the reproach of the See Apostolike, & contempt of Catholike Religion, publikely to affirme, that euery *Popes Breue* doth define that thing, which it prescribeth, to be belieued as of faith, & feare not to charge with inobedience, schisme, yea, and also with heresie those Catholikes, who for any cause, or for what pretext soeuer doe not obey those *Breues* ; and moreover to shew, that from the authoritie of the *Popes Breues* no sufficient or demonstratiue argument, as also beneath it shall more plainly appeare, can be brought to proue, that those things, which are therein declared, commanded, or forbidden, doe belong to Catholike faith ; and consequently that this *saith* is not for that cause repugnant to Catholike faith, for that the *Pope* hath by his *Breues* expressly declared, that it is flat contrarie to faith, although wee should also freely grant, that his *Holynes*se did not only by his *Breues* declare his opinion, but also did out of the *Chaire* define the same ; seeing that many learned, and vertuous Catholikes doe probably defend, that the *Popes* definitions are subiect to error, if he define without a Generall Councell ; for that according to these Doctours, Christ hath not promised him the spirit of truth to prescribe infallibly any thing to the vniuersall Church, vnlesse he as head of  
the



the vniuersall Church doth concur with the mysticall body of *Christ*, or with all the members thereof, which a General Councell doth represent, to propound to the vniuersall Church any Doctrine to be necessarily belieued as of faith: And that *Christ* praying for *S. Peter*, that his faith should not faile\*, did not pray for the person of *Saint Peter*, but for the vniuersall Church, whom *Saint Peter* did represent†, according to that saying of *Saint Augustine*‡ recorded in the Canon law, † *Peter*, when hee receiued the keyes, represented the holy Church; And againe, ‡ Some things are said, which seeme to belong to the Apostle *Saint Peter*, and yet they haue not a plaine vnderstanding, but when they are referred to the Church, whose person he is acknowledged in figure to represent, for the Primacie, which he had ouer the Disciples, as is that, I will giue to thee the keyes of the Kingdome of Heauen, and if there be any of this like sort.

31 Secondly, it is to be supposed that the Popes *Breues* (which, as *Hugolinus* \* noteth, are nothing else, then the Popes letters, which are made only by his Secretaries, and are sealed by the Pope in red wax with the Fishers ring †, and they haue the same force, which the Popes letters haue which are written in answere to other letters, and they are for that cause called *Breues*, because they are written briefly, and in few words; whereas the Popes *Bulls* are so called, for that they are signed with a round peece of lead hanged on the parchment, \* wherein the pictures of *Saint Peter*, and *Saint Paul* are impressed) can not containe in them any thing of moment besides one of these three things. For first the Pope by his *Breues* doth either define something to be necessarily belieued as of faith by them, to whom he writeth, or secondly, he commandeth them some thing, which they must obserue; or thirdly, he only by the way of counsell exhorteth, and admonisheth them, and declareth his opinion, that such a thing is to be belieued or obserued by them.

32 And to begin with the first *Breue*, which was da-

\* Luc. 22.

† Petrus de Aliaco de Auctoritate Eccles. part 3. ca. 1. Major de Auctor. Concilio parū a principio. Almainus de potest. Eccles. q. 1. cap. 16.

‡ Tract. 50. in Ioan. ad ca. 12. nō lōge a fine, et serm. 15 de Apost. Petro, et Paulo.

\* 23. q. 1. Can. quodcumq3.

† In Psal. 108.

\* Part. 2. de Censuris cap. 6. in principio.

† To wit, with a ring wherein is engrauen the picture of *S. Peter* fishing.

\* Rebus. in prax. benefic. 3. part. nu. 4. et sec. Archidiacon. et Cū minia. in cap. quis nesciat. dist. 11.

\* A round tablet hanged about childrens necks for an ornament, is in Latin called *Bulla*.

<sup>a</sup> Li 4 de Rom.  
Pont. cap. 4. et  
5. et lib 2 de  
Conc. l. ca. 12.  
<sup>b</sup> Lib. 5. de lo-  
cis cap. 5 q. 4.

ted the three and twentieth of October in the yeare 1606, Cardinall *Bellarmino*<sup>a</sup>, *Melchior Canus*<sup>b</sup>, and the rest of those Diuines, who hold, that the *Pope* can not erre in his publike definitions, although he define without a General Councell, doe withall affirme, that to make the *Popes* definitions in points of Doctrine to be infallibly true, and not exposed to error, two things chiefly are required; *first*, that the *Popes* decrees, wherein he prescribeth any thing to be believed as of faith, be directed to the whole Church; the *second*, that he haue an intention to binde all Christians vndoubtedly to believe it, as a most certaine doctrine of faith: and if either of these two be wanting, it is the constant opinion of all Diuines, that the *Popes* decrees or definitions are subiect to error, and doe not make the thing which he, decreeth, to be of faith. For in his particular iudgements opinions, and decrees, which doe not appertaine to the whole Church, but to some priuate persons, Bishops, or particular Churches all Diuines doe acknowledge that the *Popes* may erre.

<sup>c</sup> In the place  
cited.

33 Wee also grant, and that willingly, saith *Canus*<sup>c</sup>, that not forthwith, if any thing be contained in the volumes of the Canon law, it is to be believed as a doctrine of faith; But then especially when either the Iudges use words which declare their opinion, or when there answeres are not directed to the vniuersall Church, but to priuate Churches, and Bishops. For they are to be understood only in this case to pronounce of faith, when the sentence belongeth to all Christians, when it bindeth all. For infallibilitie is promised, and granted to them who are by God appointed to be iudges of faith, not for priuate Churches, whereof euery one may erre, but for the Vniuersall Church, which can not erre. Therefore the Doctrine of *Popes*, and Councells if it be propounded to the whole Church, if it be also propounded with an obligation to be believed, then doth their sentence concerne a point of faith. Wherefore also in General Councells, saith Cardinall *Bellarmino*<sup>d</sup>, the great

<sup>d</sup> Lib. 2. de Cō-  
cil. cap. 12.

test

rest part of the Acts doe not appertaine to faith. For neither are of faith the disputations which goe before, nor the reasons which are added, nor those things which are brought to explicate, and illustrate, but only the bare decrees, and those not all, but those only which are propounded as of faith.

34 For in the Decrees of Popes, saith Canus <sup>e</sup>, two things are to be distinguished, the first is the intention, and conclusion of the decree, the other is the reason, and cause which the Pope giueth of that thing which he hath decreed. And in the conclusion the Popes can not erre, if they define the question from the Apostolical tribunal. But if the Popes reasons be not necessarie, not to say, apt, probable, sitting, we must not make any regard thercof. For the Fathers doe not alwaies in a question of faith bring necessarie reasons, but sometimes probable. And it is easie to discerne (say the aforesaid Authors<sup>f</sup>) by the words of the Councill, or Pope, when any decree is propounded to all Christians to be believed as of faith: as if those who hold, or believe & the contrarie should be excommunicated, or iudged and reputed for heretikes, or if any thing be affirmed expressly, and properly to be firmly believed by all the faithfull, or to be receined as a doctrine of the Catholike faith, or in other like words, to be contrarie to the Gospell, and doctrine of the Apostles. Be affirmed I say, saith Canus, not by opinion, but by a certaine, and firme decree: But when none of these things be affirmed, it is not certaine, that it is a point of faith.

35 Now by the expresse words of these Breues it is evident, that it was not his Holinesse meaning in these Breues to define, and determine by any publike decree, as an infallible doctrine, and to be firmly believed by all Christians as a point of faith, that this Oath containeth

Doctrine of Caietane about the preparation to the receiuing of the Eucharist and Summe tom. 2. in 3. part disp. 3. sect. 6. in fine, concerning the Doctrine of those who shold obstinately affirme, that either of those two opinions, to wit, that the B. Mother of God was preserved from originall sinne or was conceived therein, is of faith.

<sup>e</sup> Lib 6. Delo-  
cis cap. 8. ad 4.  
<sup>f</sup> Canus lib. 5.  
q. 4. et Bellar-  
mine, lib. 2. de  
Ro. Pont. ca 12.  
& I said, (Who  
h l l or believe)  
for it may fall  
out, that as wel  
a Generall  
Councell, as  
the Pope, may  
to auoid scan-  
dals, and schis-  
mes excom-  
municate all  
persons what  
soeuer, who do  
teach, or  
preach such a  
Doctrine, and  
yet not there-  
for, that they  
intend there-  
by to define  
that Doctrine  
to be certaine-  
ly believed as  
of faith, or that  
those, who ob-  
stinately doe  
teach, or  
preach the co-  
trarie be ac-  
counted here-  
tikes Whereof  
see Canus in  
the place be-  
fore cited con-  
cerning the

<sup>h</sup> In præfatione  
Paraleli  
Totti.

in it many things, which are cleerely repugnant to faith, and saluation; both because they are written only to the Catholikes of this Kingdome, for which cause they are by *Ioannes Eudæmon* the Iesuite <sup>h</sup> rightly called *private letters*, and therefore according to the Doctrine of Cardinall *Bellarmino* they are subiect to error, although they should containe an expresse, and manifest definition; and also for that there is no one word comprehended in those *Breues*, which can signifie any such decree, or definition of faith.

36 And although in the first *Breue*, to which the other two haue relation, the *Pope* forbiddeith all English Catholikes to take this *oath*, for that it containeth many things, which are cleerely repugnant to faith, and Saluation; yet notwithstanding this prohibition, it being not any decree of faith, whereof now we treat, but a precept belonging to manners, whereof presently wee will speake, and moreouer those words, [*for that it containeth many things, which are cleerely repugnant to faith, and saluation*] being only the reason of this decree, (which reason according to the aforesaid Doctrine of Cardinall *Bellarmino*, and *Cannus* even in those decrees of faith, which by a Generall Councell are propounded to the whole Church, may be false, although the decree it selfe be certainly true, for that the Councels may alleadge the reason of the decree according to their fallible opinion, but the decree it selfe of faith is grounded in their most certaine iudgement, and in the infallible assistance of the holy Ghost) it is most euident by the words of the *Breue* it selfe, that no infallible definition of faith is contained therein, although wee should grant it to bee most certaine, and not onely probable, that the *Pope* in his definitions can not erre, and also that this *Breue* was written not onely to the English Catholikes, but also to the vniuersall Church.

37. Concerning the *second*, to wit the *Popes command*.

*mand*, whereby hee forbiddeth all Catholikes to take this *Oath*, for that it containeth many things, which are cleerely repugnant to faith and Salvation, to know what force this precept hath to bind, it is also to be supposed first, that what wee haue already saide concerning the *Popes* definitions in determining matters of faith, and which are to be beleueed, is with like proportion to be vnderstood of his decrees concerning manners, or of his precepts, and lawes which hee commandeth to bee obserued. And, first, that it is not an improbable opinion, which teacheth that the *Pope* may erre in his definitions of Faith, or in those things, which he propoundeth to the whole Church to be beleueed of Faith, if he define without the approbatiō of the vniuersall Church, or of a Generall Councell, which representeth the vniuersall Church, seeing that it is maintained by most graue, most vertuous, and most learned Diuines; so also that is not an improbable opinion, which affirmeth, that the *Pope* can erre in his decrees, lawes and precepts of manners, which hee prescribeth to be necessarily obserued by the whole Church, if he enact lawes without the approbation of the Vniuersall Church, or of a Generall Councell, which representeth the vniuersall Church, seeing that most graue, most vertuous, & most learned Diuines do defend this opinion.

38. *Secondly*, we doe not therefore here put downe this supposition, for that we thinke it necessary for the full satisfying of this present obiection, but to repress the rashnesse of some fewe of our English Catholikes, who are not afraid to charge with inobedience, schism, yea and also with heresie those Catholikes, who do not obey euery *Popes Breue*, and moreouer to shew, that frō the authority of the *Popes Breues*, & from the *Popes* command no sufficient, or demonstratiue argument can be brought to proue, that those Catholikes, who either haue taken the *Oath*, or thinke that it may lawfully bee taken, are not to bee accounted Catholikes, although they

<sup>1</sup> Nu. 51. et seq

they should approve the *Oath* in that sense, wherein his *Holines* hath condemned it, which neuerthelesse they do not, as more clearly it shall appear beneath, <sup>i</sup> seeing that many learned, graue, and vertuous Catholikes doe hold, and that not without probability, that the *Pope* may erre as well in prescribing to the whole Church precepts of manners, as in propounding definitions of faith, if he define, or prescribe Lawes without the approbation of the vniuersall Church, or of a generall Councell, which representeth the vniuersall Church.

39 But supposing for this present that this opinion for the *Popes* infallible iudgement, both in imposing to the whole Church precepts of manners, and also in defining matters of faith to be not onely the more common, and the more probable opinion, but also to bee certaine, and most neer to faith, as Cardinal *Bellarmino*, without sufficient ground doth affirme, yet according to the former doctrine of the saide Cardinall *Bellarmino*, *Cannus*, and other Catholike Diuines, <sup>i</sup> this is to bee vnderstood only in case he prescribe Lawes to the whole Church: For in his particular iudgements, and decrees of manners, which are imposed not vpon the whole Church, but vpon some priuate persons, or Churches, they grant that not onely the *Pope*, but also a generall Councell, or the Church may through ignorance erre, *the Church may erre*, I say, saith *Cannus*, <sup>k</sup> not onely in her iudgement of *Facts*, (as whither such a one is to be promoted to a Bishopricke, or was rightly promoted, whither he committed such a sinne, whither hee hath lost his faculties, and such like) but also in her priuat precepts, and lawes themselves. And the true and proper reason of this assertion is alleaged by Pope *Innocentius* the third in a decree of the Canon Law. <sup>1</sup> *The iudgmēt* (saith he) of God is alwaies grounded vpon truth, which neither deceiueth, nor is deceived, but the iudgement of the Church is now & then led by opinion, which oftentimes doth deceive, and is deceived, for which cause it hapneth sometimes, that

<sup>k</sup> Lib. 5 de locis cap. 5. q. 5. concl. 3.

<sup>1</sup> Can. a nobis 2. de sent excom.



he who is bound before God, is not bound before the Church and he that is free before the Church, is bound by an ecclesiasticall Censure. Wherefore I do not approve, saith *Canus* <sup>m</sup>, all Church-lawes, I do not commend all punishments, censures, excommunications, suspensions, Irregularities, Interdicts. I know that there be some such lawes, which if they want nothing else, yet doubtles they want prudence, and discretion.

mq. 5. cit. cōcl. 1

40 This neuertheles is diligently to be obserued, that although it be most probable, that the Pope may erre in his priuate Iudgments, lawes, decrees and precepts, and both through ignorance and malice, saith *Canus* <sup>n</sup>, be deceived and abuse the power of the keyes, yet to affirme forth with without very great, and sufficient reason, that he hath erred in his priuate lawes, and decrees is temerarious, scandalous and irreligious: As also there can be made no doubt, but that Secular Princes may now and then erre in enacting temporall Lawes, yet he that without very great and sufficient reason should affirme, that the Prince hath erred in enacting this, or that law, should iustly be accounted a temerarious, scandalous, and seditious person. But supposing that the Pope cannot erre in his definitions, lawes and decrees, which he prescribeth not to the whole Church, but onely to priuate persons, or Churches, if one moued with very great, and pregnant reasons should affirme, that he in defining, commanding, or forbidding this or that thing hath erred, and through ignorance, inconsideration, or euill information was deceived, he ought not therefore to be condemned of temerity, scandall, or any other crime.

n In fine concl. 12.

41. Secondly, it is to be supposed out of the Doctrine of  *Suarez* before related, that euery decree of the Pope, or Councell belonging to manners, is either a meere constitutive precept, to wit, which of it selfe maketh the act, which it forbiddeth, to be vnlawful for this only cause, for that it is forbidden by that precept, as is the eating of flesh in Lent, and the doing of Seruile works vpon

o cap. 1. sect. 4.

Sundaies, which if they were not forbidden by the Church-lawes, they would not be vnlawfull, or else it is a *declaratiue precept*, which doth not induce a new obligation, but onely confirmeth a former, neither doth it make, but suppose the act which it forbiddeth to be otherwise vnlawful; as being forbid before by some other former Law. A *constitutiue precept* of humane power although it may sometimes bind with danger of some great temporall losse, as of goods, liberty, yea and now and then also of life; yet the Ecclesiasticall Law setting aside scandall, and contempt, which are forbidden by the Law of God, and nature, doth seldome, or neuer bind with very great temporall harme. And therefore we are not bound to abstaine from flesh in Lent, or not to doe seruile works vpon the Sunday, which are commanded vs by the Church — Lawes, when wee are like to incurr any probable danger of some great temporall hurt thereby.

p In the place  
before cited.

42. A *declaratiue precept*, as wel noteth *Suarez*, p, dependeth onely vpon the reason, for which the act is commanded, or forbidden, and vpon the obligation of the former precept: in somuch that if the reason for which the precept is imposed, be not true, and no former Law, or obligation, as in the *declaratiue* precept is affirmed to be, can be found, the *declaratiue* precept hath no force to bind at all. As for example, his *Holmes* forbiddeth al English Catholikes to take this Oath, *for that it containeth many things, which are cleereley repugnant to Faith and Salvation*; If therefore in this oath no thing can be found, which is repugnant to faith, or saluation, this *declaratiue* prohibition of his *Holinesse*, which is founded in this reason, is according to the doctrine of *Suarez* of no force, neither doth it bind English Catholikes to obserue the same.

43 Neuerthelesse it is to be obserued, that the *Popes* reason, or declaration may be either *definitive*, whereby he intendeth to bind all English Catholikes to beleue

cer-

certainly as a point of faith, that his reason, or declaration is true, and then we are bound to beleue with the same certainty that his reason, and declaration is true, wherewith we are bound to beleue that he hath power infallibly to define: or else it is onely *opimative*, to wit, grounded in his *opinio*, for which he probably thinketh that the reason which he alleadgeth is true, and that in very deed there is such a former precept as he supposeth; and then his *declarative precept*, doth bind no more then his reason, & *opinion* can bind, & consequently we are more no bound to obey his *declarative precept*, then wee are bound to follow his *opinion*, whereon his *declarative precept* doth onely depend.

44. First therefore it is certaine, that this decree of the *Pope*, wherein he forbiddeth English Catholikes to take this *Oath* is a meere declaratiue precept, as it is manifest by the words of the first *Breue*, to which the other two haue relation. For after that his *Holinesse* had in his *Breue* related the whole *Oath* word by word, hee writeth thus: *Which being so it ought to be manifest vnto you by the words themselves, that this Oath cannot be taken without hurt to the Catholike faith, and to the saluation of your soules, seeing that it containeth manie things which are clearely repugnant to Faith, and saluation. Therefore we admonish you, that you altogether abstaine from taking this, and the like oaths, which truly wee doe the more earnestly demaund of you, for that we hauing had triall of your constant faith, &c.* So that it is euident that the onely cause for which his *Holinesse* forbiddeth the taking of this *Oath*, is for that he thinketh it to bee otherwise vnlawfull, and to containe in it many things, which are cleerely repugnant to faith, and saluation, and consequently that this is not a *constitutiue*, but a meere *declarative* prohibition.

45. Secondly, it is also certaine, that it is such a *declarative* precept, which is founded not in any infallible definition of the *Pope*, whereby hee decreeth, that

9Nu. 32. &amp; seqt

the reason which he alleadgeth is most certaine, and to bee beleueed as a point of faith, as hath beene shewed before, & but it is onely grounded vpon his *opiniating* iudgement, whereby he probably perswadeth himselfe, that his reason is true, and that the *oath* doth containe in it many things, which are flat contrary to faith and saluation. Which being so, it is most manifest, that wee are no farther bound to obserue this command of his *Holinesse*, then wee are bound to follow his opinion, whereon his Declaratiue precept doth onely depend. Wherefore, if this *oath* be not of it selfe vnlawfull, nor doth containe any thing which is repugnant to faith or saluation, especially in that sense, wherein the English Catholikes doe take it, and wherein the words of the *oath*, according to their proper and vsuall signification are commonly vnderstood, but onely temporall allegiance, which euery temporall *Prince* may, if neede require, lawfully demand of his subiects, as by examining euery clause of the *oath* I haue, as I thinke, sufficiently proued, truly there can be made no doubt, but that euery English Catholike, notwithstanding the *Popes* prohibition, may with a safe conscience, and without any preiudice to the Catholike faith take the same. And this may suffice concerning the particular precept or command of his *Holinesse*.

46. Now concerning that third thing, to wit, the *Popes* iudgement, opinion and aduise, which besides his definition and command may, as we haue said, be contained in a *Breue*, it is most certaine, that no man is bound to follow his opinions, admonitions, counsels or exhortations. Euery man may, if he will, follow his admonition and aduise, so that he counsaile him no vniust, or vnlawfull thing, but that wee are bound to follow his counsell in lawfull things, is against all reason, as euidently appeareth by the Euangelicall counsels, which are much superiour to the *Popes* counsels. The *Popes* iudgement, and opinion when it is contrary to the

the opinion of other learned Catholikes, any man may lawfully reiect; and especially if to follow his opinion, should bee very prejudiciall to himselfe, or others; and also if it be grounded vpon sleight reasons and false informations, as partly wee haue shewed before how weake those arguments bee, which are commonly objected against this *Oath*, and partly we wil beneath: by Father *Parsons* letters make it manifest, that his *Holmes* was not rightly informed concerning the true meaning of this *Oath*. And truly to dislike whatsoeuer the Popes *Holiness* disliketh, and to approue whatsoeuer hee approueth, and to grant him without due examination all that authoritie, which some *Popes* haue claimed or may claime, doth seeme to fauour rather of ouer much flattery, then of moderate discretion, whereof the examples of many *Popes* doe yeeld sufficient testimonie; in so much that Cardinall *Bellarmino* in his Controuersies, hath much adoe to excuse many *Popes*, not onely from beleeuing, but also from teaching publicly flat heresies; and neuerthelesse he doth freely acknowledge that some *Popes* did publicly teach & maintaine, although not manifest heresie, yet false doctrine.

47. Did not *Pope Nicolas* the first in a *Decretal epistle*, which is registred in the bookes of the Canon Law<sup>f</sup>, and in the Tomes of the *Sacred Councels*<sup>g</sup>, publicly teach, that Baptisme giuen onely in the name of Christ, without expressing the three Persons of the Trinitie is valide and sufficient? Which doctrine Cardinall *Bellarmino*<sup>h</sup> affirmeth to bee false, and therefore to excuse *Pope Nicolas* he affirmeth, that he did not by defining the question to be of faith, affirme that proposition, but onely as a particular Doctor, declare by the way his opinion. Did not *Pope Celestine* the third, in a *Decretall Epistle*, which was once extant in the body of the Canon Law, among the *Popes Decretal Epistles*,<sup>i</sup> publicly teach, and according to *Alphonsus de Castro*<sup>j</sup> did also declare as *Pope*, that Marriage was so dissolved by heresie, that the

<sup>f</sup> Nu. 51. & sect.

<sup>g</sup> De consecrat. dist. 4. can. 2. quodam Iudeo.

<sup>h</sup> Tom. 3. concil in responsis Nicolai ad consulta Bulgagorum. cap. 104.

<sup>i</sup> Lib 4. de Rom. Pont. cap. 12.

<sup>j</sup> In cap laudibilem de conuers. coniugat.

<sup>k</sup> Lib. 1. de heres. ref. cap. 4.

<sup>a</sup>Self. 14. de re-format can. 5.

<sup>a</sup>In the place before cited.

<sup>b</sup> *Adrianus Papa* in quæst. de confirm. circa finem, &c. *Alphons. de Castro* lib. 3. cōtra hæres. verbo *Beatitudo* hæres. 6. & *Bellarmin.* lib. 4. de Rom. Pont. cap. 14. <sup>c</sup> *Nicolaus Vignorius* ad annum 1300.

partie, whose consort was fallen into heresie, might lawfully marry an other? Which doctrine is now flatly condemned in the *Councell of Trent*. And *Cardinall Bellarmine* to excuse *Celestine* doth affirme, *That he did not define anything for certainty concerning that point, but did onely answer what seemed to him more probable.* And although, saith *Cardinall Bellarmine*, it is doubtlesse true, that this *Epistle of Celestine* was once among the *Decretall Epistles*, yet from thence it can not be gathered, that *Celestine* made a decree plainly *Apostolicall*, and out of the *Chaire*, seeing that it is manifest, that there be many other things in the *Decretall Epistles*, which doe not make the thing to be of faith, but doe onely declare unto vs the *Popes opinions* concerning that matter.

48. Did not *Pope Iohn* the 22. publicly teach, and if hee had not beene preuented by death, was resolved to define, that the soules of the Blessed should not see God before the Resurrection? Did not *Pope Boniface* the eighth, writing to *Philip* the faire King of France affirme, <sup>c</sup> that he doth account them for heretikes, who doe beleene that the said King is not subiect to him in spirituals and temporals? in so much that *Ioannes Tilius* Bishoppe of *Meldina* in his *Chronicle* of the Kings of France doth boldly affirme, that the impudencie of *Boniface* was so wonderfully great, that he durst auerre, that the Kingdome of France was a benefite of the Pontificall Maiestie. I omit to rehearse certaine later examples, for that they are not as yet so publicly knowne, neither would I, being desirous with *Sen* and *Laphet*, to hide the imperfections of our parents, for reuerence to the *See Apostolike* haue put in remembrance the aforesaid examples, although they be most publike, if certaine Catholikes with ouer much bitter zeale, censuring both wrongfully, vnchristianly, and inconsideratly their christiau brethren, for such enormous crimes of disobedience, errour, and deniall of their faith, had not for their defence compelled me thereunto.

49. Now



49. Now tell vs, we pray you, would our Aduersaries, if they had liued in those Popes times, haue so vehemently enuighed against all those Catholikes, and haue exclaimed against them, as being scarce Catholikes and good beleeuers, who had not approoued the opinions, decretall letters, or *Apostolicall Breues* of the aforesaid *Popes*? What they would haue done, God hee knoweth, that they ought not so to haue done, it is too too manifest. Why then are they now so void of Christian charitie that they are not afraide to persecute learned and vertuous Catholikes, and to condemne them of heresie, and of abiuring their faith, who vpon forcible and sufficient grounds, and which their most learned Aduersaries are not able with solide arguments to conuince (and if they bee able, wee humbly request them, and by the tender passion of our Saviour *Christ Iesus*, we coniure them, that they will endeavour rather with sound reasons to satisfie timorous consciences, then to enforce them with threatening, and reproachfull speeches) in a matter of so great moment, belonging to their *Allegiance*, and tending to the temporall ouerthrow of themselves and their whole posteritie, doe not obey the *Popes* letters, which are not founded in his publike definition, but onely grounded vpon his private opinion, which therefore hereafter (as the aforesaid opinions of Pope *Nicolas*, *Celestine*, *Iohn* and *Boniface* are now reiecte'd) will peraduenture be impugned, especially seeing that they labour by all probable meanes to excuse him with all dutifull reuerence, and doe not presume malapartly and vnseemely to oppose against him? If they would haue all Catholikes to affirme without due examination whatsoeuer the *Pope* affirmeth, and to deny whatsoeuer he denyeth, let them heare, I beseech them, attentiuely (for the words doe nearely concerne themselves) what writeth *Melchior Canus* a religious man of the Order of *Saint Dominick*, a most learned writer of these times, *Bishop* of the *Canaries*, and not long since

<sup>d</sup> For he wrote  
his booke in  
the yeare 1561  
<sup>e</sup> Lib. 3. de locis  
cap. 5. prope  
finem.

since <sup>d</sup> chiefe Professour of Diuinitie in the Vniuersity of Salamanca. Those, saith he, <sup>e</sup> who rashly and without election doe defend euery iudgement of the Pope concerning euery thing, doe weaken, not strengthen, doe overthrowe, not establish the authoritie of the See Apostolike. For what will be in the end gaine by disputing against heretikes, when they perceiue that he taketh upon him to defend the Popes authoritie, not by iudgement, but by affection, neither that he endeauoureth to find out the truth by force of his disputation, but to apply himselfe to an other mans will and pleasure? Peter hath no need of our lying, he hath no need of our flattering.

50. To make therefore now at the last a compendious Answer to all the three Breues, and so also to the whole obiection. To the first Breue, whereon the other two doe depend, It is answered first, that although his Holinesse thinking, and in his opinion supposing the oath to bee of it selfe vnlawfull, and to containe many things which are contrary to faith and saluation, doth therefore by his letters or Breue forbid English Catholics to take it, yet seeing that this his prohibition is onely a declaratiue precept, and founded in the private iudgement and opinion of his Holinesse, as before <sup>f</sup> we haue shewed, as wee are not bound to follow the Popes opinion against the probable opinion of other Catholike Diuines (then especially when by following it, very great preiudice is like to come to our selues, and many others; and when the reasons and grounds for his opinion, are for the most part by all men accounted to bee very vnfound, as are almost all those arguments, which our learned Aduersaries haue objected against the oath) so also we are not bound to obey the Popes declaratiue precept, which is founded in his opinion, and in the reason, which he allegeth, which precept, according to the aforesaid doctrine of Francisus Suarez, hath no greater force to bind, then hath his reason and opinion whereon this declaratiue precept doth wholly depend.

<sup>f</sup> Nu. 44. et seq.

51. Secondly it is answered, that there is no English Catholike, who, if hee be well instructed, will take the *Oath*, or approue it to be lawfull in that sense where- in his *Holinesse*, as wee probably coniecture, hath condemned it. For it is probable, and in my iudgement morally certaine, that his *Holinesse* did vnderstand the words of the *Oath* in that sense, wherein the Diuines of Rome did conceiue them, and especially Cardinall *Bellarmino*, whose aduice and opinion in this so weightie a Theological controuersie, which must needs bring great good or harme to this Kingdome, his *Holines*, as it is very probable, both demanded and followed, who therefore, according to his *Holinesse* minde, and by his permission wrote in defence of his *Breues* against his *Maiesties Apologie* for the *Oath*. But Cardinall *Bellarmino* vnderstood the *Oath* in that sense, as though it denied the Popes Primacie in spirituals, his power to excommunicate, to bind and loose, and also to dispense in oathes, in which sense, doubtlesse it can not be denied, but that it conteines many thinges, which are flat contrary to faith and saluation: but no Catholike doth in this sense either take the *Oath*, or defend it to be lawfull.

52. Moreover, that his *Holinesse* did thinke, that in this *Oath* is denied his spirituall authoritie to inflict *Censures*, is plainly gathered by a letter of Father *Parsons*, who did greatly vrge and sollicite his *Holinesse* to send hither his *Breues*, as both some *Iesuites* here with vs doe freely confesse, and also no man, who knoweth, how our English affaires at Rome were carried in his daies, can make any doubt hereof. This therefore is the true coppie of a letter, which Father *Parsons*, before any *Breue* was sent hither, wrote to one here in England, which letter hee presently shewed to diuers, and gaue them leaue to take a copy thereof, and to impart it to other Catholikes.

53. About some foure or five months agoe, it was consulted by seauen or eights of the learnedest Diuines that could

be chosen, who gave their iudgement of it. Their reasons are many, but all deduced to this, that the Popes authority in chastising Princes upon a iust cause, is de fide, and consequently can not be denyed when it is called into controversy without denyng of our faith, nor that the Pope, or any other authority can dispense in this.

54. For if the question were de facto, and not de iure, to wit, whether the Pope might iustly in this or that occasion excommunicate or depose this or that Prince, upon these or these causes, or whether precedent Popes haue done well therein or no, then might some of those reasons, which you say your friends doe allege, be admitted into consideration; to wit, whether it could be in edificationem, or destructionem, doe hurt or good, be profitable or unprofitable; or whether the causes be sufficient or no, for without cause none holdeth that the Pope may depose; or whether the due forme of admonition touched in your letters were observed. But forasmuch as the question is de potestate of the See Apostolike power, what it may doe upon any cause, or against any Catholike Prince whatsoever, these considerations of temporall hurt can not enter.

55. Besides these I haue conferred the matter with Cardinall Bellarmine, and sundry others of great learning and conscience, and all are of one opinion in this case, that the forme of the Oath as it lyeth, is hereticall, and no way may be admitted by him that will not deny the Catholike faith.

56. I had occasion twice to speake with his Holines, the first in company of M. Thomas Fitzherbert, where we proposed certaine manners of mitigation suggested by friends, &c. whereto his Holinesse answered, that as for any actually using Censures against his Maiestie, he meant not, but rather all curtesie, but as for the Authoritie of the See Apostolike (to wit, for using of Censures) he was resolved, and would rather loose his head then yeeld one iot. The second, he being informed that some Priests did seeme to incline to the taking of the Oath, he answered, he could not hold them for Catholikes, &c.

57. By which it is manifest *first*, that all the reasons why the Divines of Rome did hold the Oath to be unlawfull, were deduced to this, *that it is de fide, and consequently can not be denied without denying the Catholike faith, that the Pope hath authoritie to chastise Princes upon a iust cause, and that neither the Pope, nor any other authoritie can dispense in this.* Secondly, also it is manifest, that his Holinesse did thinke that in this oath is denyed his authority to use Censures, and that therefore he could not holde those Priests for Catholikes, who are bound to the taking of the Oath. As though forsooth, the English Catholikes who take the Oath doe deny the Popes power to use Censures, or to chastise Princes upon a iust cause; whereas it is most cleare that no such thing is denyed in this Oath, as in my opinion I haue plainly shewed by answering Cardinall Bellarmines arguments, vnlesse perchance hee would haue vs to approue for good and lawfull, against the receiued rules of the Logicians, this manner of arguing *from a particular to inferre an vniuersal*; as for example, *The Pope can not chastise Princes by depriving them of their temporall dominions, or of their life, Therefore the Pope can not chastise Princes.* Wee grant that the Pope may chastise Princes by vsing Ecclesiasticall Censures, which truly in this Oath is not denyed, but we vtterly deny, that to deprive Princes of their dominions, or of their life, are to bee ranked among spirituall or Ecclesiasticall Censures.

58 Wherefore Cardinall Bellarmine, Father Parsons, and those other *Romane Divines* vsing such sophisticall collections to proue, that in this oath are contained many things which are flat contrarie to faith, and saluation, were very grossely mistaken. And if his Holinesse trullying to the learning and conscience of these men, was therefore emboldened to send hither his *Brethren* for the condemning vpon that cause the taking of this Oath, how greatly he was deluded to no small reproch of the See Apollolike, to the great scandall of

g About chap.

3. sec. 3. nu. 10.

<sup>h</sup> About chap.

3 sec. 3. nu. 13.

Protestants, and to the vtter temporall overthrow of very many Catholikes, it is, alas I speake it with griefe, too too manifest. For, to omit that protestation of those thirteene English Priests g, who perceiueth not that from that position, which *Petrus Pirhau* <sup>h</sup> affirmeth to be the approved Doctrine of the Kingdome of France, to wit, *that the Pope hath not Power to depriue the King of France of his Kingdome, and that the Subiects, notwithstanding any Excommunications whatsoeuer which can be made by the Pope, are bound to yeeld obedience due to the King for temporalls, neither that in this they can be dispensed, or absolved by the Pope,* Cardinall Bellarmine, Father Parsons, and those other *Romane Diuines* might in the very like manner inferre, that therein is denied the *Popes Primacie in spirituals*, his power to excommunicate, to bind and loose, to dispense, and absolute? And neuertheless they will doubtlesse be affraid to condemne therefore the Kingdome of France of heresie, and of denying their faith for constantly maintaining that the *Pope* hath not power to depriue the *King of France* of his Kingdome. Why then are they not afraid to censure *English Catholikes* of heresie, and denyall of there faith for acknowledging the very same concerning the not depriving the *King of England* of his Kingdome by the *Popes* authoritie, which *French Catholikes* without any danger of heresie, or error doe constantly auouch concerning the not depriving of their *King* by the said authority of the *Pope*? And thus much concerning his *Holinesse first Breue*.

59 In the *Second Breue*, which was dated the first of September in the yeare 1607, it is only declared, that the former letters of his *Holinesse* concerning the forbidding Catholikes to take the oath, (*wherein*, saith his *Holinesse*, *hee strictly commanded the English Catholikes that they should in no wise take the said oath*) were not false and surreptitious, but written not only upon his certaine knowledge, and by his owne proper motion, and will (by which



which words neuertheless he doth not intend to deny that he in writing of them vsed the aduise, & opini<sup>o</sup>n of others) but also after long, & great deliberation had concerning all the things which are contained in them, and that therefore they were bound to obserue them exactly, setting aside all interpretation which may perswade to the contrary. Which last words are so to be vnderstood, that there must be made no frivolous interpretation of those letters, or no such interpretation, which should make any man to think, or make any doubt, that they were not written of his Holinesse owne knowledge, and by his proper will. For as Ioannes Salas<sup>i</sup> and Emanuell Sa<sup>k</sup>, both of them Diuines of the Societie of Iesus, doe well obserue, *It is lawfull for Doctours to interpret all lawes not indeed by a necessary, publike or iuridicall interpretation, but by a priuate, and not binding interpretation, although the Prince should say, It shall be lawfull for no man to otherwise interpret this our writing, for then he onely forbiddeth frivolous interpretations, and which are expressly contrary to his minde.* Which there Doctrine is with farre greater reason to be vnderstood of the Popes declaratiue precepts, which is only grounded vpon presumption, and vpon his own opinion, & priuate iudgement, whereby he perswadeth himselfe, that the thing which he forbiddeth, is otherwise vnlawfull, as being forbidden by some former law: Whose opinion, and also command founded only in his opinion, when it is against the probable opinion of other Catholike Diuines, may not only be interpreted, but also contradicted. Seeing therefore that this *Second Breue* is only an approuing, and confirming of the former, it can haue no more force to binde then the former hath, for confirming whereof it was written by his Holinesse.

60 The *third Breue* being dated the first of Februrie in the yeare 1608, was sent to Mr. George Birket, wherein his Holinesse doth ordaine, and substitute him Archpresbyter of the English Priests of the Popes Sem-

<sup>i</sup> Disp. 21. de  
leg. sec. 2.  
<sup>k</sup> Verbo Interpretatio. nu. 3.

narrates in the place of Master George Blackwell; and doth likewise, & command him, & for this giveth him special facultie, that by authoritie of his Holinesse hee doe admonish all, and every one of those English Priests, who have taken a certaine Oath (wherein many things are contained, which are cleerely repugnant to faith and the salvation of soules) or have taught, and doe teach that it may lawfully be taken, to repent them, and to abstaine from such an error. And if within the time (extrajudicialiter notwithstanding) at his arbitrement to be prefixed unto them, they shall not doe accordingly, that by the same authoritie he deprive, and declare deprived them, or him of all faculties, and privileges granted to them, or to any of them from the See Apostolicke; or by his authoritie from any other whatsoever.

61 Concerning this third *Breue* five things are to be observed. The first is, that this *Breue* containeth partly a *constitutive*, and partly a *declarative precept*, or rather a declaration of a former precept. The *declarative precept*, or rather the declaration of a former precept doth consist in this, that his Holinesse by this precept doth not make, but suppose, and declare the *oath* to be of it selfe unlawfull. And although this declaration of his Holinesse should virtually containe in it a precept, it is for that it supposeth, and presumeth that many things are contained in *this Oath*, which are cleerely repugnant to faith and salvation. Which declaration, or vertuall prohibition being onely grounded on presumption, and on his Holinesse opinion hath no more force to binde Catholikes to believe that this *Oath* is of it selfe unlawfull, and that it containeth many things, which are cleerely repugnant to faith & salvation, then bindeth his opinion, when it is against the probable opinion of other Catholikes, who can not perceiue, that in this *Oath* is contained any thing, which so much as obscurely is against faith or salvation; especially in that sense, wherein they take the *Oath*, and thinke it to bee

lawfull

lawfull, and which sense they perswade themselves to be agreeable to the proper and visuall signification of the words, and to the meaning of the Lawmaker. And therefore as we are not bound, according to that which hath been said before, to follow the opinion of his *Holinesse*, when other learned Catholikes do disagree from him, so neither are wee bound to obey his *declarative precept*, and much lesse a *bare declaration* thereof, when it dependeth only vpon his opinion.

62 The *constitutive precept* of his *Holinesse* doth consist in this, that he commandeth Master *Archpriest*, that he, observing certaine conditions, do deprive, and declare deprived of all faculties those Priests, who either haue taken the *Oath*, or haue taught, and doe teach that it may lawfully be taken. And this *precept* being a meere penall constitution in respect of the Priests who haue taken the *Oath*, or haue taught, and doe teach that it may lawfully be taken, doth not of it selfe forbid the taking of the *Oath*, but supposeth that it is before otherwise forbidden. And therefore no stronger, but rather a far weaker argument can be drawne from this *Breue*, then from the former to proue, that this *Oath* is vnlawfull, and containeth in it many things, which are cleerely repugnant to faith, and saluation. But in respect of Master *Archpriest* it is not a meere penall constitution, but a true, and proper *constitutive precept*, and binding him (as it is manifest by those words, *and we enioine, and command thee*) to obserue all that which in this *Breue* is commanded him; so that he may as easily transgresse his *Holinesse* command by exceeding his commission, to wit, if he deprive of faculties those Priests, whom he hath no authoritie to deprive, as by neglecting to deprive them, whom by his *Holinesse* command hee is bound to deprive.

63 *Secondly*, it is to be obserued, that although some of the vnlearneder sort may perchance from this *Breue* take some occasion to imagine, that his *Holinesse* did by

<sup>1</sup> Nu.34.

<sup>m</sup> See there in the marginall note how manifest a signe it had beene.

a firme decree *define*, that this *Oath* containeth in it many things, which are cleereley repugnant to faith and saluation, for that, if according to the rules before <sup>1</sup> related out of *Melchior Canus*, & *Card. Bellarmine* the Popes *Holineſſe* had excommunicated all those, who should teach that the *Oath* may lawfully be taken, it had bene doubleſſe a manifest signe, <sup>m</sup> that his *Holineſſe* intended to make a firme decree, and definition offaith, why then may we not now rightly inferre, that in this *Breue* hee hath defined the same, ſeeing that he inflicteth ſo grievous an Ecclesiastical Censure, and which is most neere to excommunication, to wit, Suspension from iurisdiction or depriving of all faculties, vpon all those English Priests, who doe teach that the *Oath* may lawfully bee taken.

64. But this obiection is altogether friuolous. For first, there is a great disparity betwixt *Excommunication*, and *Suspension*, or taking away of faculties, for being a signe to know when any thing is by the *Pope*, or *Councells* firmly decreed to bee a point of faith. For when the *Pope* or *Councells* doe define any thing to bee of Faith, they intend to account all those, who presume to beleue the contrary, for heretikes, and to exclude them from the company of the faithfull and right beleeuers, which separation from the Society of the faithfull is very well expresseſſed by *Excommunication*, but not by *Suspension*, for that one may be deprived of all faculties, and suspended from all Iurisdiction, and neuertheſſe be partaker with the rest of the faithfull in all those Diuine rites, ceremonies, and spirituall graces, which are common to all Christians, and right beleeuers. Wherefore no Diuine, that I haue read, did euer affirme, that depriving of faculties, or Suspension are sufficient signes to discern when the *Pope* or *Conncel* defineth any thing to be of Faith.

65. Besides although the *Pope* had not onely taken away their faculties, but also had excommunicated those  
English

English Priests, who taught that the *Oath* may lawfully bee taken, yet from thence it could not bee rightly concluded, that he had by a firme, and infallible definition of Faith condemned the *Oath*, seeing that according to the Doctrine of *Melchior Canus*, and Cardinal *Belarmine* before<sup>n</sup> related, to make the *Popes* definitions to bee infallible, and to bee beleueed as a point of Faith, it is necessary that they bee propounded to the vniuersall Church, and not to priuate Bishops, or Churches; for they are to be vnderstood saith *Canus*, <sup>o</sup> *onely in this case to pronounce of faith, when the sentence belongeth to all Christians, when it bindeth all.* But this *Breue* is directed to one onely *Arch-Priest* with an expresse command, not to excommunicate, or otherwise to punish all the Catholikes euen of one kingdome, but to depriue onely those Priests, who haue taken the *Oath*, or haue taught, and doe teach that it may lawfully be taken, of all those faculties, and priuiledges, which they haue receiued from the See-Apostolike. And therefore to gather from this third *Breue* that his *Holinesse* hath defined the *Oath* to bee vnlawfull it is vaine, frivolous, and altogether ridiculous. Wherefore his *Holinesse* did not intend to bind English Catholikes more by this *Breue*, but rather lesse then by the former not to take the *Oath*: for that in his former *Breues* he doth by a *declaratorie precept* expresse forbid Catholikes to take the *Oath*, but in this *Breue* no expresse prohibition is contained, but rather supposed, and a punishment inflicted not vpon all English Catholikes, but vpon those Priests only, who haue taken the *Oath*, or haue taught, and do teach that it may lawfully bee taken: therefore a farre weaker argument to prooue this *Oath* to bee vnlawfull can bee drawne from this *Breue*, then from the former.

66 *Thirdly*, it is to be obserued, that it is not all one to depriue a Priest of his Faculties, and to forbid him to say Masse, and others to be present with him at Diuine

<sup>n</sup> Nu. 32.

<sup>o</sup> Nu. 33.

Seruite, as some of the vulgar sort through ignorance doe imagine, who thinke that if a Priest be depriued of his faculties, he is forthwith suspended from the Altar. For as there be many Priests beyond the Seas, who daily say Masse, and others are present thereat, and yet they haue no faculties at al, nor authority to hear confessions, so also the taking away of their faculties doth not debarre them from saying Masse, nor others to be present at it. But considering that no Priest by vertue of his ordination hath full authority to minister the Sacrament of Penance, or to exercise any other act of spirituall Iurisdiction, as to excommunicate, to dispense in vowes, or oaths, and such like, although he hath full authority to say Masse, no Iurisdiction being required therunto, as the giuing of faculties doth consist in this, that full power, license, and faculty is giuen to a Priest to minister lawfully, and with effect the Sacrament of Penance, or to exercise any other spirituall Iurisdiction, according as he hath more or fewer, greater or lesser faculties granted him, so the taking away his faculties doth consist in this, that hee is depriued of that spirituall Iurisdiction, which by the priuiledge of the *Pope* or *Church*, he hath received; so that the depriuing a Priest of faculties is a certaine partiall *Suspension*, as the Diuines doe speake, not from *Order*, and from exercising those functions which belong to *Order*, but from *Iurisdiction*, and from exercising those functions which depend thereon.

67 *Fourthly* it is to bee obserued, that the Church doth not vsually, and perchance cannot suspend, or excommunicate any man with *Maior suspension*, or excommunication but for some *morrall* sin; for that these kind of *censures* are punishments, and medicines, which alwaies suppose some precedent sinne, and spiritual maladie. And therefore it is a generall, and certaine principle, saith *Snarez*, *P* that the faults for which the censure, is to be imposed, ought to bee proportionable to the censure, because,



cause, according to naturall reason, the punishment ought to have equall proportion to the fault, and contrariwise. For it is against commutative iustice to inflict a great punishment for a small fault. Wherefore it is certain, that a great censure, that is, which depriveth of goods of great moment and of it selfe causeth great harme: and therefore may aptly be called a greater, or Maior censure, doth at the least suppose a mortall sinne, that it may iustly be inflicted. Seeing therefore that the iudgements and opinions of Popes, as well said Pope Innocentius 9, are not alwaies grounded vpon truth, and therefore they may sometimes iudge that to be a sinne, which is no sinne indeede, and one to haue committed that crime, which in very deed he hath not committed, it may also sometimes fall out, that one is *excommunicated* or *suspended* in the outward face of the Church, who before God, whose iudgement is not grounded on presumption, but vpon truth, is not in very deepe either *excommunicated*, or *suspended*.

68 Seeing therefore that the depriving one of faculties which is inflicted for a fault committed, and which truly, and properly is a *punishment* (for concerning an absolute reuoking of a priuiledge, faculty, or Iurisdiction granted there is not the same reason) is a certaine *Maior suspension* not from the vse of his Order, but from the exercising of his Iurisdiction, we may well suppose, that his Holinesse had no intention to punish with so great punishment, as is the taking away of faculties, those Priests who haue taken the *Oath*, or haue taught, and doe teach that it may lawfully be taken, but for that he certainly perswaded himselfe that they had committed periurie, so that if in very deepe they haue committed no such crime, we may iustly presume, that his Holinesse did not intend to deprive them of their faculties, and consequently that they are not in very deed deprived of them: although by reason of scandall they ought not (supposing that Mr. Arch-Priest hath lawfully, and according to his commission proceeded against them)

to vse their faculties publickely, and before them to whom their innocencie is not yet sufficiently knowne, least they should seeme to contemne the keyes of the Church; yet doubtlesse no man, who will confesse that this taking away of faculties is inflicted vpon those Priests properly as a punishment for some fault by them committed, can make any doubt, but that in very deede their Sacramentall absolutions, their dispensations, and such like acts of Iurisdiction are valide & effectuell.

69 For, as *Suarez*<sup>r</sup> doth well affirme, a Censure, which in the onely externall Court, or in the face of the Church is infli<sup>d</sup>, (to wit, for that the crime, for which the Censure is inflicted, is probably presumed, and is in iudgement sufficiently proued) hath no force in the court of conscience, or to take away or suspend in very deed his Iurisdiction, who in very deed hath committed no such crime. Therefore Sacramentall absolution giuen by such an Excommunicated, or suspended person is in this respect valide, and of force; and the same is to be vnderstood of absolution from a censure, of dispensation in vower, and the like. Wherefore according to the common opinion of Doctours he may secretly, and without scandal, or in the presence of them to whom his innocency is knowne, exercise all the acts of his Iurisdiction; and therefore well saide *Nauarrese*,<sup>r</sup> that such a Censure, which in very deede is vniust, is of force a little more then nothing, vlesse in the externall court, and to auoid scandal.

70 Fifthly it is to bee obserued, that the authority which his Holinesse hath delegated to Mr. Arch-Priest to deprive the English Priests of their faculties, is not absolutely, and simply granted vnto him, but with certaine limited conditions, which if he neglect to obserue hee, doubtlesse exceedeth his commission, doth great wrong to these Priests, against whom hee proceedeth, and all his sentences, or declarations, whereby he depriveth them, or declareth them deprived of their faculties, are for want of Iurisdiction inualide, and of no force

<sup>r</sup> Disp. 4. de censuris sec. 7. nu. 2. 4. 23. et seq.

<sup>r</sup> Suarez in the place cited.  
<sup>r</sup> In Manuali cap. 27. nu. 3.

force at all. Because a *delegate Iudge*, as well saith *Suarez*,<sup>u</sup> *must not exceede the forme, and commission granted him, otherwise he doth nothing, seeing that he hath no authority, but from the delegante, that is from him who doth delegate it vnto him.* Cap. *dilecta de Rescriptis et cap. Pisanis de restitut. foliat.*

71 These beeing obserued it is certaine first, that Mr. *Arch-Priest* by vertue of this *Breue* hath only authority granted him, as also he himselfe hath acknowledged, to take away faculties onely from *Secular Priests*, ouer whom hee hath *Iurisdiction*, and not from religious *Priests*, who are exempted from the *Iurisdiction* of the *Ordinaries*, (that is the *Bishops* of the *Dioces*, or those who haue *Episcopall Iurisdiction*) and are immediately subiect to the *See Apostolicke*, and their owne *Superiours*. For besides that in their priuiledges of exemption granted them by the *Popes Holinesse* it is vsually specified, that hee intendeth not to take away their Priuiledges, and to subiect them to the *Ordinaries* by general words, it is also the common and approued custome of all *Catholicke countries*, that whensoever the *Popes Holinesse* enioyneth the *Ordinaries* to punish with any extraordinary punishment by him appointed all those *Priests*, which shall commit such, or such a crime, *Religious Priests*, vnlesse they bee expressly named, are not comprehended, for that the punishment of them, vnlesse he declare the contrary, hee leaueth to their owne *Superiours*. And this also is for the most part obserued in *Generall Councells*, that whensoever in any decree of *Reformation* they intend, that all *Priests* as well *Religious*, as *Secular* shall bee comprehended, they doe vse these expresse words, *Every Priest as well Religious as Secular, &c.* And although the name *Priest* doth signifie in generall euery *Priest* as well *Regular*, as *Secular*, and the *Monke* bee common both to *Abbots*, and private *Monkes*, and the name *Deacon*, and also *Bishop* may be taken for all *Deacons*, or *Bishops* as well *Cardi-*

<sup>u</sup> Disp. 3. de cē-  
sures sect. 12.  
nu. 6.

nalls, as not Cardinalls, neuertheles as in penall lawes a *Deacon* and *Bishop* Cardinall are not vially comprehended vnder the bare name of a *Deacon*, and of a *Bishop*, nor an *Abbot* vnder the name of a *Monke*, so also in the same penall lawes, especially in those whose execution is committed to the *Ordinaries*, from whose iurisdiction *Religious* men are exempted, *Regular* or *Religious* Priests are not signified by the bare name of a *Priest*.

72. *Secondly*, it is also certaine, that by vertue of this *Breue* Mr. *Archpriest* hath authority granted him to take away faculties onely from those *Secular* Priests, *who haue taken the Oath, or haue taught, and doe teach that it may lawfully be taken*. So that two onely sorts of Priests are comprehended in this *Oath*, first *the takers* of the *Oath*, and of these not al, but only those *who haue taken it*, secondly, *the teachers* that the *Oath* may lawfully be taken, and of these not only *who haue taught*, but also *who doe teach* that it may lawfully be taken, Whereby it is manifest that his *Holinesse* did more seuerely proceede against *the teachers*, that the *Oath* may lawfully be taken, then against *the takers* thereof. And truly supposing that his *Holinesse* was fully perswaded that this *Oath* can not lawfully be taken, there want not probable reasons, whereby hee might be prudently moued to punish more seuerely *the teachers*, then *the takers* of this *Oath*, and to giue authoritie to Mr. *Archpriest* to take away all faculties from those Priests who haue already taken the *Oath* [and do not repent them thereof] reseruing the punishing of those who hereafter shall take it to himselfe, as hereafter in his wisdom he shall iudge it to be most expedient.

73. And from hence *thirdly* it may also certainly be gathered, that, supposing in penall lawes the words are not to be extended, but to bee restrained, which is a most certaine rule, and approved by all Lawyers, if any *Secular* Priest hath neither taken the *Oath*, neither hath taught, nor doth teach that it may lawfully be taken,  
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although hee should inwardly in his minde thinke it very probable, that the *Oath* may lawfully be taken, and for that cause hee should outwardly carry himselfe *negatiuely*, and neither positiuely defend it, nor positiuely condemne it, Mr. *Archpriest* by vertue of this *Breue* hath no authority granted him to deprive this Priest of his faculties. The reason is euident, for that to *teach* the *Oath* to be lawfull is *positiuely* to defend it, and *outwardly* to approue it, but this Priest doth outwardly neither defend it, nor condemne it, but outwardly hee carrieth himselfe *negatiuely*, and therefore hee doth not *teach* that it may lawfully, or may not lawfully be taken.

74. From whence also it followeth, that although such a Priest hauing diligently examined all the arguments, which are brought against the lawfull taking of the *Oath*, and cleerely in his owne iudgement perceiving the weaknesse of them dare not condemne of mortall sin those Catholikes, who haue taken the *Oath*, or doe teach that it may lawfully be taken, and therefore in the Sacrament of Penance he absolueth them from all their other sinnes which they haue confessed, and whereof they are contrite, not examining them whether they haue taken the *Oath*, or taught it to be lawfull (if he suppose they haue no scruple thereof) but leauing them in this point to their owne consciences, Mr. *Archpriest* by vertue of this *Breue* hath not authority granted him to deprive this Priest of his faculties. For in propertie of speech beyond which words in penall lawes are not to be extended it can not rightly be said, that this Priest doth *teach* that the *Oath* may lawfully be taken, considering that in this point he carrieth himselfe meere *negatiuely*, and doth not exercise any positive act of teaching, or maintaining. Wherefore betwixt preachers, *teachers* and beleeuers of heresie, although this their inward opinion or beleefe be outwardly made manifest, there is a great distinction, as is euident

evident by the *Bulla Causa*, and the Expofitor thereof: neither will any Divine or Lawyer affirme, that, if there bee any punishment appointed againſt preachers or teachers of herefie, only *beleewers*, although they ſhould expreſſe their minde by ſome outward ſigne, are alſo comprehended. Neither by any word at all of this *Breue* can it be gathered, that Engliſh Priests vnder paine of looſing their faculties, are bound to condemne poſitiuely the taking of this *Oath*, although his *Holineſſe* in this *Breue* doth bind them not to teach, that it may lawfully be taken.

75. *Fourthly*, it is certaine that Mr. Archpriest by vertue of this *Breue* hath not authoritie granted him to take away faculties from thoſe Secular Priests, who haue taken the *Oath*, or who haue taught, and doe teach, that it may lawfully be taken, vnleſſe he doe before admoniſh al, and euery one of them to repent: them and abſtaine from this error, for theſe are the expreſſe words of the *Breue*. So that hee muſt admoniſh not onely all thoſe Priests who haue taken the *Oath*, or haue taught, and do teach that it may lawfully bee taken, but alſo euery one of them. Wherefore it is the opinion of learned Lawyers, whoſe iudgement hath bene demanded of this point, that it is not ſufficient for Mr. Archpriest to admoniſh all thoſe Priests who haue taken the *Oath*, or haue taught, & do teach that it may lawfully be taken by a general admonition, but alſo he muſt admoniſh euery one of them particularly, otherwiſe he goeth beyond his commiſſion, and doth them very great wrong, and his ſentence and declaration is inualide, and of no effect at all, if hee deprivie or declare them deprived of their faculties, beeing onely in generall and not in particular admoniſhed.

76. *Fiſthly*, to conclude; it ſeemeth to me alſo to be certaine, that thoſe Secular Priests, who haue taken the *Oath*, or haue taught, and doe teach that it may lawfully be taken, are not by the ſentence of Mr. Archpriest de-



denounced against them by authoritie granted him by vertue of this *Breue*, deprived of their faculties, if hee onely declare them deprived, and doe not in very deed deprive them of their faculties. For (as it is manifest by the command of his Holinesse imposed vpon Mr. Archpriest, and by the authoritie giuen him in this *Breue*, for that purpose) he must both deprive such Priests of their faculties, and also declare that they are deprived. Wherefore, considering that in penall lawes, as hath been said before <sup>x</sup>, words are not to bee extended, but rather to be restrained, neither can a delegate Iudge, as well said Suarez <sup>y</sup>, exceede the forme and commission granted him, otherwise he doth nothing, if Mr. Archpriest should only denounce or declare those Priests who haue taken the Oath, to be deprived of their faculties, and should not in very deed deprive them of their faculties, he should both exceed the commission, which by his Holinesse was delegated vnto him, and those Priests should not by vertue of such a declaration, either in the externall Court, or in the Court of conscience bee deprived of their faculties. And this is a maine ground why certaine Priests, who although they are thought by many to be deprived of their faculties by the sentence of Mr. Archpriest, yet they are not afraide to vse them publicly, for that Mr. Archpriest, as they doe auouch <sup>z</sup>, did neuer in very deed deprive them of their faculties, but onely did publicly denounce or declare, that they were to be deprived, or at the most, y they were deprived of their faculties.

77. I omit to examine at this present what kinde of publishing and notice either of his Holinesse *Breues*, or of any declaration of his Holines concerning any difficultie in the same *Breues* is necessary, that those Secular Priests, who haue taken the Oath, or haue taught, and doe teach that it may lawfully be taken, are bound to giue credit to such *Breues*, or to such declarations of them, wherein is granted a speciall authoritie and commission to any man to deprive them, or to declare them

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<sup>x</sup> Cap. 1. sect. 3.<sup>y</sup> About nu 70

<sup>z</sup> See Master  
Warnington in  
his moderate  
defence of the  
Oath of Allegi-  
ance, pag. 159.  
& seq.

deprived of their faculties : to wit, whether it be necessary that some authentick copie, both of the *Breues*, and also of the declaration of the said *Breues* be shewed vnto them (for that as well the words of the *Breues*, as also of the *Popes* declaration of them, may sometimes haue difficulties, and may by diuers men bee diuersely vnderstood) or whether in such an odious matter, and of so great moment, as is the depriving of all faculties by a iuridicall sentence for some crime committed, either the aforesaid Priests, or Mr. *Archpriest* himselfe, or any other person are, to such great preiudice of Reuerend Priests, bound to giue vndoubted credit to the bare word, or letter of some one or other Priest, either Secular or Religious liuing beyond the Seas, who write that there is such a *Breue*, or such a declaration of the said *Breue*, without seeing any authentick copie both of the *Breues* it selfe, and also of the declaration thereof. And thus much concerning the former part of the obiection, which was taken from the authoritie of his *Holinesse Breues*.

78. To the *second* part of the *obiection*, which is drawn from the testimony of the most learned writers of this age, it is very easily answered. For as before <sup>a</sup> we haue shewed out of the doctrine of *Gabriell Vasquez*, <sup>a</sup> and others, the multitude of Diuines doth not make the opinion, which they follow to bee vndoubtedly true, and the contrary opinion of other Catholikes, although they be farre fewer in number, to be void of all probabilitie, vnlesse the reasons and grounds, which they bring to confirme their doctrine, be so strong and conuincing, that they make the contrary opinion to be altogether improbable. Now that the reasons and grounds, which these most learned Diuines haue brought to proue this *Oath* to be vnlawfull, and clearly repugnant to the Catholike faith, as his *Holinesse* hath declared, and for which onely cause he hath forbid Catholikes to take this *Oath*, are very weake, and in my

<sup>a</sup> Nu. 11.

opinion not befitting the learning of such famous Divines, is manifest enough, both by the Answers which we have made vnto them, & also by the Confessions of almost all our countrey men, euen of those who doe fauour Cardinal *Bellarmines* opinion, who do acknowledge not without a litle blushing that his arguments are very weake and vnfound.

79. Wherefore, euen from the authoritie of the most learned Divines of these daies may also on the contrary be drawn a probable argument to proue, that this *Oath* is not vnlawfull, and that it doth not containe many things, which are clearely repugnant to faith. For if in this *Oath* many things are contained which are flat contrary to faith, as his *Holinesse* in his *Breues* hath affirmed, and these most learned Divines have in their bookes endeauoured to confirme, without doubt some one among so many most learned men would have brought at the least one thing among so many which are clearely repugnant to faith, but none of them hath as yet brought one onely proposition contained in this *Oath* which is flat contrary to faith. Therefore it is a most eident signe, that these Divines did not rightly vnderstand the true sense of the *Oath*, and did publish to the world their vncertaine, not to say false collections for an vndoubted doctrine of faith, and that some of them did both wrongfully informe his *Holines* (who trusted to their learning and conscience) of the true and plaine meaning of the *Oath*, and also did take vpon them to impugne the *Oath*, rather vpon affection, then moued with any sound reason, perswading themselves perchance at the first, as a certaine Iesuite here with vs hath freely affirmed, that no Catholike either was able, or surely durst adventure to gaine say, and write against men of such singular learning, who were also armed with the supreme authority of the *Popes Holinesse*. But great is the truth, and it doth (in the end) *preuise*, it may for a time bee assaulted, but it can ne-

uer be overcome.

80. The Catholikes therefore of England, who haue taken the *Oath*, were moued from the beginning to take it, both for intrinsecall and extrinsecall grounds, that is, both for sufficient reason, and also probable authority. Their *reason* was, for that they were assuredly perswaded, that they were bound by the law of God to obey the iust command of their lawfull Prince, so long as they could not perceiue that hee commanded them any thing that was vnlawfull. But those Catholikes could neuer perceiue, that in this *Oath* is contained any hereticall, erroneous, or improbable position, and afterwards seriously considering how fillily and insufficiently men of such excellent learning had impugned it, they were more strongly confirmed in their opinion. The *authoritie* was, for that very many, if not the greater part of the learned Priests of this Realme, and also M. *Archpriest* himselfe did then either approue the taking of the *Oath*, or durst not condemne it as vnlawfull. And although some of those learned Priests, who at the beginning before any *Breue* was sent hither for condemning the *oath*, did with all their might defend the lawfulness thereof, yet afterwards, when they saw it was forbidden by his *Holinesse*, they seemed to draw back, neuerthelesse that very many Priests, not onely who were prisoners, but also who were at libertie, did still continue in their former opinion, which for feare of incurring his *Holinesse* displeasure they durst not openly defend, is so manifest heere with vs, that if neede were, wee could proue it by many witnesses, (wherevpon a certaine very learned Priest did aptly say, that his *Holinesse* by his *Breues* had tyed their tongues, but not satisfied their vnderstanding) yet notwithstanding the *Breues* very many both vertuous and learned Priests, euen now are not afraide either to defend publike y the lawfulness of the *oath*, or else although for feare of endangering their faculties, they dare not outwardly teach

teach, that the *Oath* may lawfully be taken, howsoever in their hearts they are perswaded, yet they are nothing afraid openly to confesse, that they will not positively condemne the *Oath*, & therefore they carrie themselves in such sort, that they wil neither positively perswade any man to take it, nor to refuse it, least they should seem either to cōtradiēt his *Holines Breues*, or els to be a cause that Catholikes should for so vncertaine, & disputable a question be vtterly ouerthrown in their temporall state.

81 Furthermore, that which is auouched in the objection, that one only, or two Priests doe approve the taking of the oath, & that rather for feare, then from their heart, as to please the Prince, and to free them selues from the troubles of the time, then for any sufficient reason, partly is most false, seeing that it is manifest by that which hath beene said, that they were moued thereunto for strong and sufficient reasons, partly it belongeth rather to reprochfull words, then to solide reasoning: and with the very same facilitie it may be retorted backe against themselves. For to vse the words of *Ioannes Parisensis*,<sup>b</sup> to say that, so worthy men did write or speake against their conscience in fauour of Princes, or for feare of them, is to stretch forth his mouth into Heauen. For contrariwise it might be said more probably, that those Doctors, who do so vnm easurably aduāce the Popes authority do speak for feare, or fauour of him, seeing that they are Ecclesiasticall persons, who may by him get greater preferment. And especially fish that they say (although not wel) that the Pope doth graciously embrace them, who do amplifie his authoritie, and depresse them, who doe speake against the same.

82 To make an end therefore now at the last of this Solution, and to answere in forme to the foresaid objection, it is answered first, that the *Maior* proposition, to wit, In doubtfull, and disputable matters the surer part is to be chosen, is equiuocall. For if by a doubtfull matter be vnderstood that, to which our vnderstanding giuech no assent, or dissent at all, or which is all one, which wee

<sup>b</sup> De potest.  
Regiae et Papae  
lica 21. ad 41.

c. Nu. 11.

neither iudge to be true, nor false, we grant the *Maior*, for in such doubtfull matters the surer part is to be chosen, as hath beene shewed before. But if by a *doubtfull matter* be vnderstood a *disputable matter*, to wit, which is not certain, but is by Catholikes disputed probably on both sides, in which sense the vulgar sort do usually take *doubtfull*, then we deny the *Maior*: For in such *doubtfull matters*, whose truth, although it be not certaine, yet is probable, the surer part is not of necessity to be chosen, but, as we haue shewed, it is sufficient to follow a secure, or probable opinion, to wit, which prudent, and learned men doe follow, although the greater part of Diuines, and also the *Popes Holinesse* himselve doe defend the contrarie: neither doth he, that followeth such a probable opinion against the more common, and the more probable opinion euen of the *Pope* himselve, expose himselve to any danger of imprudence, temeritie, or any other crime.

83 *Secondly*, the *Minor* also is easily answered; for the authoritie of the learned Diuines of these daies, who thinke that the *Oath* is vnlawfull, and that it containeth in it many things flat contrarie to faith, and saluation, doth not make their opinion to be certaine, or *doubtfull*, but only to be disputable, & at the most to be more probable, then the contrarie, if we regard only extrinsecall and not intrinsecall grounds, that is, if we do not regard reason, but only authoritie. Neither hath his *Holinesse* defined by his *Brenes*, but only declaring his opinion hath affirmed, that the *oath* can not lawfully be taken, for that it containeth many things, which are cleerely repugnant to faith and saluation: for which cause he forbade Catholikes to take it. But it is manifest by that which hath beene said before, that the *Popes declaratiue precept*, which is grounded on his owne, or the probable opinion of others, is subiect to error, and that it hath no more force to bind, then hath the reason, or his opinion, whereupon only it doth depend. Neither

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are Catholikes bound to follow the *Papes* opinion, although it be farre the more probable, or to obey his *declarative command*, which is founded in his opinion, when it is repugnant to the opinion of other Catholikes, although it be the lesse probable: and then especially, when to follow his opinion is very preiudiciall to himselfe, or others as it happeneth in this *Oath*, seeing that the refusing, thereof, supposing that it containeth no vnlawfull thing, is very hurtfull to Catholikes, and greatly iniurious to his *Maiestie*.

84 The other parts of the obiection, which seeme to proue, that there is greater danger of sinning by taking the *oath*, then by refusing it, are of small moment: for greater, or lesse danger supposeth a danger, but, as before we haue proued, there is no danger at all of incurring periurie, or any other crime by taking the *Oath*, it being commanded by the authority of our lawfull King, and probably thought by vertuous and learned men to containe no vnlawfull assertion. And so this *Statute* for taking the *Oath*, is not a meere penall law binding only to punishment, and not to sinne, but also a commanding precept, and which also bindeth in conscience the Subiects to fulfill the lawfull command of their Prince, especially in those things, which are probably thought to appertaine to temporall allegiance, which is due to all lawfull Princes by the law of God, and nature. Neither doe Catholikes for that cause take the *oath*, or thinke it to be lawfull, because Protestants doe command it, and thinke it to be lawfull, as though the Catholikes, who take the *Oath*, doe preferre the opinion of Protestants before the iudgement of Catholikes, and of the supreme Pastor ouer all the faithfull, in things, which in some sort do belong to Religion, as is the Religious taking of an *oath*; But because the *Kings Maiestie* being our lawfull Prince, and *Soueraigne Lord* in temporals what Religion soeuer he be of, hath commanded al his Subiects to take this *Oath* of allegiance,

legiance, which vertuous, and learned Catholikes for probable reasons are of opinion that it is truly an *oath* of *Allegiance*, and that it containeth nothing, which is contrarie to Catholike faith, or Saluation, therefore Catholikes to obey the lawfull command of their Prince doe take this *oath* of Allegiance.

85 And doubtlesse, if the *King* and *Parliament* should command the Subiects, to acknowledge by *oath*, that the *Pope* is not direct Lord of this *kingdome* in temporalls, and that he hath no direct power to depose our *King*, which (neuerthelesse according to the doctrine of the Canonists doth belong to the *Popes* Primacie) and that notwithstanding any sentence of deprivation denounced or to be denounced by the *Pope* by vertue of this direct power against our *King*, they will beare faith and true allegiance to his *Maiestie* &c. and that the *Pope* by vertue of this direct power in temporalls hath no authoritie to absolute him from this *oath* or any part thereof, and so of the rest, and his Holinesse following the Canonists opinion (who doe with such vehemency defend this his direct power in temporalls ouer the whole Christian world, that the contrarie opinion they thinke to be hereticall) should forbid by his *Breues* this manner of *oath*, and declare that it containeth (as the Canonists doe imagine) many things flat contrarie to faith, and moreover the learned Diuines of these daies should for the same reasons condemne the aforesaid *oath*, The very same obiection in the very same words, to wit, in doubtfull and disputable matters &c. which we haue alleadged against the *oath* of Allegiance commanded by the *King* and *Parliament*, might also be brought against this *oath*, if the *King* and *Parliament* should command it to be taken. And neuerthelesse without doubt Cardinall *Belarmine*, and those other learned Diuines, who doe vtterly reiect the Canonists opinion, would easily in the same manner, as we haue now answered to this obiection, satisfie also the other. Wherefore this present obiection

iection taken from the authoritie of his Holinesse, and the other learned Diuines of these daies in a disputable matter, which is probably disputed by Catholikes on both sides, can not euen in the iudgement of Card. Bellarmine be accounted a forcible, & conuincing prooffe.

And thus much concerning this *second obiection*, in examing whereof I haue beene somewhat long, being desirous to giue full satisfaction to timorous consciences, and also for that the vnlearneder sort of persons might easily discerne, how farre the *Popes Brenes*, which are founded in his opinion, and also in the probable opinion of other Diuines, can binde Catholikes to obserue them.

### Sect. III.

**T**He third obiection against the oath in generall, which is made by *Leonard Lessius*<sup>d</sup>, as also his *English Recapitulator*<sup>e</sup> doth reherse, is taken from the great scādal, which may iustly arise by the taking of this Oath. And although *Lessius* vrgeth this obiection in such sort, that he rather supposeth, then thereby proueth, the oath to be vnlawfull according to the common vnderstanding of the words, and that the swearer doth by some mentall reseruatiō take the words in some true, and lawfull sense, yet because, as we haue said, this obiection doth not proue, but suppose the Oath to be of it selfe vnlawfull, and sacrilegious, it may be further vrged in this manner.

2 According to the doctrine of Saint Paul<sup>f</sup> we must refraine ab omni specie mala, that is, according to the *English translation*, from all shew or appearance of euill: but no prudent man can make any doubt, but that the taking of this oath, the former obiections being duly considered, bath some shew, and appearance of euill, and of denying the Catholike faith, therefore wee must refraine from the taking thereof.

<sup>d</sup> Nu. 214. et seq.  
<sup>e</sup> Pag 46. & seq.

<sup>f</sup> 1. Thes. 5.

g In the places  
before cited.

3 To the *first* part of the obiection, which *Lessius* vrgeth, it is easily answered. For he supposeth, the *Oath*, according to the cōmon vnderstanding of the outward words to be vnlawful, and to contain in it other things besides ciuill obedience, and that the swearer either by mentall reſeruation, or publicke profeſſation doth take it ſo farre forth as it containeth onely ciuill obedience: Euen as, ſaith *Lessius* g and his *English Recapitulatoꝝ* g, if to obay an Heathen Magiſtrate a Catholike ſhould put incenſe before an Idol, althoꝛgh he did it not with the intent to worſhip the Idol, but to honour God, who is euerie where preſent, yet ſhould this externall action be accounted Idolatry, for that the circumſtances of place, and time, and the perſon, that commandeth, being conſidered, it would bee iudged a worſhip done to the Idol, notwithstanding that he who offered the incenſe intended thereby ſome other matter.

4 But this example, and diuerſe others brought by *Lessius* to the ſame purpoſe doe ſuppoſe the outward action of taking this *Oath* to be, all circumſtances duly conſidered, of it ſelfe vnlawfull, and to containe in it ſome other thing then ciuill Obedience; and neuertheſſe it is euident by that which hath bene ſaid, that this externall oath, whereof wee treat, is not by any circumſtances of wordes, time, place or perſons made vnlawfull, or that it containeth any thing which is contrary to faith or ſaluation: and therefore this obiection taken from this kinde of ſcandall is altogether friuolous. Yea ſuppoſing that this *Oath* doth not containe in it any thing, which may not appertaine to ciuill obedience, and that moreouer it is vnder great penalties commanded by good authority of our lawfull Prince, no man can make any queſtion but that to reſuſe it, were very ſcandalous to Catholike Religion very iniuriouſe to the Kings Maieſty, and very pernicious both to the temporal, and ſpiritual ſafety of the reſuſers.

5 To the *Second* part of the obiection taken from the authority of *S. Paul* it is answered firſt, that if thoſe words

words be vnderstood in that sense, wherein they seeme to be taken in the obiection, we might out of them euidently conuince, that no man can lawfully follow in practise the more common, and the more probable opinion of Doctours, if the contrary opinion, which is lesse probable, be more secure, which notwithstanding, as we haue seene out of *Vasquez*, is against the common opinion of Diuines. The reason is manifest: for supposing that the opinion, which is lesse probable, but more secure, be not void of all probability, it must needs be, that the Authors, who doe follow it, haue some probable reasons, which doe shew some appearance of euill to be in that part lesse secure which the common opinion of Catholike Doctours doth follow; and consequently, if this obiection were of force, we must according to Saint *Paul* reſtraine from that part which is the more probable, but lesse secure, as hauing in it some shew, and appearance of euill. As for example it is now the more common, and the more probable opinion of Diuines, although many Doctours especiall Canonists doe follow the contrary opinion, that it is not mental vsurie to lend money with hope and expectation to receiue some profit, or gratuity thereby, so that this profit be expected not as due by iustice, or by vertue of any ciuill contract or obligation, but as a free, and liberall gift vpon meere beneuolence, for that one good turne deserueth another, and yet according to this obiection it were altogether vnlawfull to expect any such gratuity, or beneuolence, seeing that therein is some shew, and appearance of euill, as is manifest both by the reasons which are brought to impugne this common opinion, and also by those words of our Sauour, *h Mutuum date nihil inde sperantes. Lend hoping for nothing thereby.*

*h Luc 6.*

6 Besides, as the arguments which are brought against the Oath doe shew that there is some appearance of euill, and of denying the Catholike faith in taking thereof, so also the answers which haue bene made vn-

to them doe evidently shew, that there is greate appearance of euill, and of ciuill disobedience in refusing thereof, considering that the taking of the Oath is commanded by the iust law of our lawfull Prince, and therefore this text of holy Scripture may bee alleadged to proue the refusing of the Oath as well as the taking thereof to be vnlawfull.

7 Wherefore the aforesaid words of S. Paul, *Refraine your selues, ab omni specie mala*, are to be vnderstood one of these two waies; first, that wee must refraine *ab omni specie mala*, that is, from all kinde or sort of euill, as the latine word [*species*] is taken by the Logicians, and in which sense also it is sometimes vsed in holy Scripture, as in the first Chapter of Genesis<sup>1</sup>. And God made the beasts of the earth, iuxta species suas according to their kind. And the 28. of Ecclesiasticus. *Tres species, &c.* Three things, or three sorts of men my soul hateth; a poore man that is proud, a rich man that is a liar, a foolish; and senselesse olde man; so that the meaning of the words of S. Paul may be this, *Omnia probate, Prone, or try all things*, to wit, which are doubtfull, as S. Thomas expoundeth, for things that are manifest, need no triall: *quod bonum est tenete, hold, or keepe that which is good, Ab omni specie mala, abstinete vos, from all kinde of euill*, both in words, deeds, and writings, as well in things that belong to doctrine, as to manners *refraine your selues*. And this exposition seemeth agreeable to that, which some of the ancient Fathers doe write vpon this place, *Probate*, saith S. Hierome, *Try whether that which is said bee against the Law, if there be any such thing refraine from it*. And Theophylactus, *neque enim hoc, &c.* Neither doth the Apostle bid vs to refraine from this; or that thing, but vitterly from euery thing; both from euerie false Prophet, and from all wicked deeds.

8 Or Secondly, the meaning of those words of the Apostle is, that for the auoiding of scandall wee must refraine not onely from all kind of euill, or from euerie euill

<sup>1</sup> Vers. 12. 21. 24  
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euill thing, but also from all shew, and appearance of euill, as *S. Anselme*, *S. Thomas*, the *Glosse* of *Nicolas de Lyra*, and other later writers doe commonly interpret, and in our English Testament it is translated. And then the aforesaid counsell, or command of the Apostle is either so to be vnderstood, that we must refraine from all shew of euill, when in refraining there also appeareth no shew of euill, and so by refraining no scandall can arise: for otherwise this text might bee alleadged both against the taking of the oath, and also the refusing thereof, for that not onely in taking it, but also in refusing it there is, as we haue said before, no little shew or appearance of euill: or else that we must refraine not onely from all euill, but also from all that wherein appeareth some shew of euill, *untill it be declared that it is in very deepe lawfull*, as the *Glosse* vpon that place doth interpret these words. But that this Oath may lawfully be taken hath now bene sufficiently declared to Catholics, both for that there bee now verie few lay Catholics, who if it be tendered them by the Magistrate, doe refuse it, and where one refuseth to take it, almost twentie doe take it, and doe thinke that with a safe conscience they may lawfully take it: and especially because there can be alleadged no one particular clause of this Oath, which containeth any thing which is cleereely repugnant to faith, and saluation, as wee haue shewed by examining every particular clause. As for Protestants, those friuolous exceptions, which Cardinal *Bellarmino*, *Gretzer*, and others doe take against the Oath; do giue exceeding great scandall vnto them, who therefore are perswaded, that the doctrine which Cardinal *Bellarmino* maintaineth to be *Catholicke* is a *Seminary* of treason, and that according to it no euill Prince, or who is not a Catholicke, can be secure of the true, and constant allegiance of their Catholicke Subiects, which whether this giue iust occasion of scandall, & be a cause that the Catholicke faith doth not so much increase as otherwise

it would, I remit to  $\S$  judgement of the prudent Reader.

9 *Lastly, and principally it is answered,* that the aforesaid, and such like texts of holy Scripture, wherein wee are forbid to giue any scandall either by word or deed which is euil, or hath in it shew and appearance of euil, they are to bee vnderstood, as also wee haue insinuated elsewhere,  $\kappa$  not of *passiue*, as the Diuines do speake or received scandall, but of *actiue*, and giuen scandal: to wit, that neither by word, nor deed we *giue* our neighbour any cause of offending; but if any one by our good deed wil *take* scandal where it is not giuen, nor we but him selfe is to be blamed therfore. Yet in this also agree that no action at al either belonging to doctrine or manners, which is commanded by a iust Law, can bee a true & sufficient occasion of scandall; & if any one perchance be thereby scandalized, it is accounted by the Diuines to be a *passiue*, not *actiue*, a taken not giuen scandall.

10 Wherefore *Alphonfus Salmeron* a very learned Iesuite, and one of the first ten by whose helpe that Society was instituted, vpon that place of the Gospell *Matth. 15. Let them alone, they are blind, &c.* writeth thus: *By these words we are instructed, that scandalls taken by proper malice, (which we call passiue) are not to be regarded, and scandall is rather permitted to arise, then the truth of Faith, or of life, or of iustice to be forsaken. For these sorts of scandalls are, as we haue said, called passiue, which another man through his owne frailty taketh by my good life, or by the faith and iustice which I embrace. But the scandall of the weake, or of the little ones is to be auoided, as our Sauiour Christ commanded, when he said, Whosoever shall scandalize one of these little ones &c. Hee also by his owne example taught the same in this place; because by these words he taught that the scandall of the Pharisees is not to be regarded. Otherwise Christ should neuer haue preached, nor the Catholike truth against heretikes, who were scandalized, haue bene defined. But the multitude he called vnto him, and instructed, and taught them that they should*

$\kappa$  In my Apolog. Answer nu. 87. and in the Preface to the same nu. 21.

should not bee scandalized. But if now and then there be some, who are not so capable of the truth, then if the doctrine or action which doth scandalize be not necessary, or very convenient and profitable, we must yeeld somewhat to the weakenesse of the little ones. But if the great ones take this scandall, they are not to be regarded, for they are incurable, because they are blind, that is, they will not see, and understand what God inspireth in them, &c.

II. According therefore to this doctrine of Salmeron, which also is the common of other Divines, to make this argument, which is drawne from the nature of scandall, to have any force, (to wit, that although this Oath of it selfe be not euill, yet there is in it no little shew and appearance of euill, and therefore according to the doctrine of the Apostle, we must refraine from the taking thereof) it must first bee proued that the taking of this Oath, and the acknowledging of the doctrine therein contained, is neither necessary, nor very profitable to Catholikes, which doubtlesse, supposing this Oath to be of it selfe lawfull, and that it is imposed vpon the Subjects by the command of the Prince, vnder very great penalties, our Aduersaries will neuer be able to demonstrate. For what exceeding great dangers Catholikes doe incurre if they refuse it, and what great scandall so weake a confuting thereof doth giue to the Protestants, we haue sufficiently shewed before.

13. And truly, if we once suppose that this Oath, is not vnlawfull, nor doth containe in it any thing flat contrary to faith and saluation, I doe not see with what shew of probability this argument which is taken from the scandall, can be vrged, seeing that now the greater part of Catholikes doe take it, neither can the taking thereof giue to Catholikes any other iust cause of offending, then that other Catholikes by the example of these who haue taken the Oath, should also do the like, which if it be once granted to be lawfull, can giue to others no occasion of offending. But if any great ones  
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interpreting the *Oath* in an euill sense, doe take occasion of offending by their detractions, reproachful speeches and rash iudgements, whiles they Iudge rashly, and are not asfraide openly to auoch, and doe with all their might endeauour to perswade the common people, that those Catholikes, who haue taken the *Oath*, haue denyed their faith, are reuolted from their Religion, and are not to be accounted true Catholikes, but Apostates, the cause of their offending in this sort, is not the taking of the *Oath*, but either their owne ignorance, or malice, and therefore as *Salmeron* did very well say, as beeing blinde, and incurable, they are not to bee regarded. They hurt in deed greatly the good name, and credit of other men, but their owne consciences they do wound more greeuously, and they are to remember, *that the sin is not forgiven vntilse restitution be made*: and that according to the most certaine rule of charity, and approued by all Diuines, doubtfull matters, and which may haue a good interpretation, are not to be interpreted in the worser sense, and much lesse to be wrested to that sense which is most bad; which is now, I speake it with grief, very frequent among some of our countrey men, who as soone as they doe perceiue any man to oppose himselfe against their opinions or actions, and not to fauour their proceedings, they are not asfraide to assault him with all their power, to speake of him reproachfully, to charge him with any wicked crimes, and to diuulge them among the common people, although they haue their first beginning from some idle rumour, or from their owne meere suspicion. These be the scandals, from which the Apostle warneth vs to refraine, wherein there is not onely a shew or appearance of euill, but which in deed are most wicked euills, and clearly against the lawes of charity and iustice, whereby the Catholike Religion is laughed to scorne, and by our aduersaries is greatly disgraced.

## Sect. IIII.

1. **T**He fourth objection against the Oath in general is taken from the ill hap, and badde successe which chanced to those Priests who tooke the Oath, & defended it to be lawfull. For the first Captaine of them Master Blackwell was taken away upon the sodaine and unawares, and did also at the houre of his death, as some give out, recall his former error. An other also died suddenly: two others revolted from their faith; and the fifth lieth now in the house of the Bishoppe of Winchester, and what in the end will become of him, may with iust cause be greatly feared, therefore by these examples other men may be forewarned, that they take heed how they take the Oath, or to defend that it may lawfully be taken.

2. To this objection it is answered first, that as it is not a sufficient argument to proue such a doctrine to be false, or such an action to be vnlawfull, for that it is defended by heretickes, when especially true beleeuers do also defend the same, seeing that no hereticke doth in all points of faith dissent from true beleeuers: So also it is not a sufficient argument to proue, that this Oath, or any other action is vnlawfull, for that it was maintained by certaine Priests, who then were Catholikes, but now are revolted from the Catholike faith, especially if other Catholikes who still persist in the Catholike faith, doe with all their might defend the same.

3. Secondly, if the bad successe of some few Priests who haue defended the Oath bee a sufficient reason to condemne it as vnlawfull, by an argument from the contrary, as the Logicians tearme it, also the bad successe of some Priests, who haue beene vehement against the Oath, is a sufficient cause to proue it to be lawfull, but notsonely some few Priests who haue taught that the Oath is lawfull, but also who haue exceedingly exclaimed

\* A nother leaping in haste over an hedge fel into a pit, which was on the other side the hedge, and so was cast away.

med against the *Oath*, haue had somewhat bad successes; as may appeare by three Priests, to say nothing of Lay men, who liued in the North parts of this Realme: Whereof one being a man otherwise very healthie, was so sodainlie stricken with a deadly disease, that scarce sixteene howres before his death hee feared any sicknesse at all; an other falling downe a paire of staires, was brused in such sort that hee liued not long after\*: the third, who did the most vehemently of them all enueigh against the *Oath*, as soone as hee was taken by the officers, and brought before the Magistrate to be examined, did not onely refuse to take euen the *Oath* of the *Kings Supremacie* in Ecclesiasticall causes, but also as it were in an instant before hee was committed to prison, hee did to the great admiration of all those who were present, vitterly reuolt from that Catholike faith, which for many yeares before hee had professed.

4. *Thirdly*, if the euill successe of some few Priests, who haue defended the lawfulnessse of the *Oath*, bee a sufficient reason to proue it to be vnlawfull, by an argument also from the contrary the good successe of certaine Priests, who haue taught it to bee lawfull, is also a sufficient reason to proue that it may lawfully be taken. But our Aduersaries will not, as I suppose, deny, but that Master *Drury* and Father *Roberts* the first a Secular Priest, and the other a Religious of the Order of Saint *Benet*, made both of them happy ends; and neuerthelesse it is knowne to all men, that Master *Drury* as soone as the *Oath* was published, did euen to the last gaspe openly maintaine the same, and this hee did publicly protest at his Arraignement before the Iudge and all the standers by, whereof there was a very great multitude: And neuerthelesse he being desirous to dye for that cause, for which hee was condemned by the Iudge, did himselfe refuse to take the *Oath*, euen to saue his owne life, which was freely offered him by the Iudge,



Iudge, if hee would take the same, beeing assuredly perswaded by the aduise of some whom I could name, that neither hee, nor any other Priest, (for concerning Lay-men hee was of an other opinion) by reason of the diuersitie of opinions which were then freshly begunne among Catholikes, concerning the lawfulnessse of the *Oath*, was bound in conscience to take the same, although he thought vndoubtedly and also auouched the same, that any man whatsoever might lawfully take it.

5. *Likewise* it is also certaine, that although Father *Roberts*, did not publickly teach that the *Oath* was lawful, for that his *Holinesse* by his *Breues*, had declared the contrary, and had commanded the English Priests, not to teach that it might lawfully bee taken, neuertheless euen vntill death, hee perseuered in this opinion, that there was nothing contained in the *Oath*, which was contrary to faith or saluation, neither would hee put any scruple into the mindes of his ghostly children concerning the refusing of the same. For two principall reasons (as hee hath oftentimes acknowledged to my selfe and others) he was perswaded that the *Oath* might lawfully be taken; *the first* was, for that hee could not yet perceiue, that those learned men, who had written against it, had hitherto sufficiently proued, that it contained any thing, which was contrary to faith or saluation. *The other* was, that when he was at *Paris*, he craued the opinions of two most learned Diuines of that nation, concerning the lawfulnessse of the *Oath*, and at length through his great intreatie, they gaue him this answer, that they for their owne parts had not hitherto obserued in it any thing which might not be taken, and that scarce any subiect of the King of *France*, as they thought, would stagger to take the like *Oath*, if it were by publicke authority, commanded them vnder so great penalties: And that this is most true, hee hath diuers times protested to me, and many others, and his

owne hand writing, which is kept euen vntill this day, can, if need require, yeeld sufficient testimonie heereof.

6. *Fourthly*, and lastly, to say somewhat in particular concerning those persons, who are touched in the obiection, first of all it is false, that Master *Blakwell* did euer recall his opinion concerning the lawfull taking of the *oath*; but, as it shall presently appeare, did euen to his last houre persist therein. His death may doubtlesse in some sort be called *sodaine*, for that very few houres he lay sick in bed, neither did hee expect any certaine day or moneth when he should dye, before almost the very last houre of his departure. Yet because both in regarde of his olde age, his spirits almost exhausted, the vnfound constitution of his body, and especially of an extraordinary shortnesse of breath, and diuerse obstructions wherewith hee was continually oppressed, hee oftentimes and seriously auouched to mee and others, that hee should for the aforesaid causes be taken away *sodainly*, and therefore hauing death in continuall expectation, his death although it may be called *sodaine*, yet doubtlesse it came not *vnawares* and *unexpected*. In this manner therefore he departed this life. Vpon a Saterdag <sup>1</sup> in the after noone hee went downe from his chamber to make his confession, as vsually he was wont to doe, which after hee had ended, and departing from the chamber of his ghostly Father, he perceiued a great faintnesse, and a disposition to fowneing to grow vpon him, but a litle after hee came into a more pure and open aire, hee found himselfe farre better. After hee was come to his owne chamber, he fel into a *sodaine* fowne, but by the diligence of those Priests, who incontinently were present, he was brought to himselfe againe, and after he had put off his cloathes, and was laid in bed, he humbly craued those Ecclesiasticall rites, which vsually are giuen to those who are extremely sick, if they should iudge it requisite. And being demanded by a certaine Priest,

<sup>1</sup> Being the 25.  
of Ianuary.  
1612.

Priest, what his opinion was now concerning the Oath, he answered, *that he did that which seemed to him more probable, that he had done nothing against his conscience, and that even now he continued in the same opinion concerning the lawfulness of the Oath, which he had heretofore maintained.* Afterwards diuers Priests hearing of his sodaine sicknes came to his chamber, and then hee earnestly requested *the whole world and all them who were present, and especially one by name, with whom in former times he was in great controuersie, to pardon him, if he had offended them in any thing, and protested, that he was a child of the Catholike Romane Church, and that he so intended to dye.* And as for opinions, *that he followed his conscience, and that which seemed to him iust, and probable, yet if he had offended God in any thing, that he humbly asks him forgiveness.* Which speech being ended, he falling into a sowne againe, so departed this life. By which asking God forgiveness can not be gathered, that he had any doubtfull, but rather a pious and timorous conscience, *it being the part of pious mindes, as witnesseth Saint Gregorie the great, there also in some sort to acknowledge a fault where there is no fault, and yet hee did not absolutely acknowledge this fault, for that hee found not himselfe guiltie thereof, but conditionally if peradventure hee had offended, he humbly requested God to cleanse him from his hidden sinnes.* I omit to speake how religious, and without blame his conuersation was after hee had taken the Oath, for of this all those who haue liued with him in prison, can giue sufficient testimonie.

6. Concerning Master *Jackson*, it is true doubtlesse, as it is thought, that hee dyed of the plague. But haue not also very many holy men, as Saint *Lewes* King of France dyed of the same disease? But what if he did get that infection by doing some good and charitable worke, as Saint *Lewes* did in that warre against the *Saracines*, may wee rightly from hence conclude, that a

tion by reason of the ill successe which followed, if it ought to bee called euill, to be vnlawfull? He dyed indeed, as it is credibly thought, of that infection, but his death was not vnexpected, for day by day hee looked when hee should depart this world, and being strengthened with all the Sacraments of holy Church, he prepared himselfe euery minute of an houre to dye.

7. Concerning Mr. *Warmington*, so the case stands. After he had written a booke in defence of the *Oath*, he was wholly deprivied of that common Aimes, which from the beneuolence of some good ipersons, is sometimes sent to those, who are detained in prison: whereof he being deprivied, and hauing no other thing to provide him necessities for his sustenance besides the beneuolence of pious men, hee most clearly perceiued, that if hee should remaine any long time in prison, hee should be in danger to perish of famine; neither did he thinke it safe for him to goe beyond the Seas (although perchance he might haue obtained leaue of his Maiesstie to depart the Realme) for that he was accounted by these vehement impugners of the *Oath* to be a schismaticke, an heretike and an Apostata. He being therefore in this distresse, and withall perswading himselfe, that by taking or defending the *Oath* he had committed no offence, he thought hee had no other remedie to deliuer him from extreme beggery, then to make humble petition to his Maiesstie, that out of his Princely commiseration, he would be pleased to bestow vpon him something, whereby his extreme want might be relieved: especially, seeing that the chiefest cause of his misery and pouertie was, for that he had publikely by word & writing professed himselfe to be a faithfull and constant subiect vnto his Maiesstie. Whose petition his Maiesstie mercifully granting, wrote his letters to the *Bishop of Winchester*, that he would provide him in his owne house those things which were necessary for his reliefe. Which answer Master *Warmington* hauing receiued, was

was exceedingly troubled, as he protested to all the Priests who were in that prison, doubting that his abode in the *Bishop of Winchester* his house, would giue some scandall to weake Catholikes. But after he had diligently considered the matter, and calling to his minde that ancient prouerbe, *that beggers must be no choosers*, least that not being contented with that which is offered them, they get nothing at all, he thought it his best course of two euils to choose the lesser, and to accept of the condition which was offered him by his *Majesty*, and the *Bishop*, and by that meanes to preserve his life; which by lawfull waies the law of nature doth giue vs leaue to doe, then by miserable famine, which is a continuall dying, to pine away in prison, Assuredly perswading his conscience with the common opinion of Diuines, that a thing of it selfe lawfull, if it be necessary, yea and also according to *Salomon*, if it be very profitable, can be a iust occasion of any scandall giuen.

8. Wherefore although that sentence of Saint *Crysostome*, *no man is hurt, but by himselfe*, be most true, and every man ought rather to suffer whatsoever calamities, then to forsake his faith; neuertheless, if any mishap, either spirituall or temporall, hath afterwards fallen to them who haue taken the *Oath*, it ought not to be imputed to the taking of the *Oath*, which being of it selfe lawfull, can be no iust cause of any spirituall ruine, but rather it is to be attributed to the immoderate detractions, backbyttings, persecutions, and vnchristianlike proceedings of some, who are so vehement against those Priests, who haue taken the *oath*, or taught it to be lawfull, as to a more immediate cause. And truly if this argument drawne from the bad success of some Priests, be sufficient to proue the *Oath* vnlawfull, in the like manner it might be proued, that any iust action whatsoever is euill and vniust, if one for it should be persecuted and brought into great miseries, and so at the length thereby to forsake his Religion, and become  
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an Apostata. As for example, if a Catholike Priest, being wrongfully oppressed by his Bishop, should lawfully appeale to the Metropolitan, and coming to his court for redresse, should not onely finde there no succour, and easing of his vexation, but also by reason of the potencie of his Bishop, and the euill information which he hath giuen against him, should there be vsed farre more hardly then before, should be cast into prison, be suspended from vsing his Orders, and enjoying his benefice, and at the last should be confined into some corner of the Land, and he seeing such bad dealing, should desperately forsake the Catholike faith, and become a runnagate to the aduersaries thereof, were it lawfull, I pray you, to conclude from hence, that the appeale of this Catholike Priest, by reason of the bad successe, was vniust, or that his reuolting from his faith, is to be imputed to his iust appeale, or rather to the iniquitie of his Bishop vniustly oppressing him? The chiefeest cause doubtlesse of his Apostacie, was either his owne infirmitie, or malice, but no small occasion also of his fall is to be ascribed to his vniust vexation, neither is his lawfull appeale to be accounted any cause or occasion at all of reuolting from his faith. And this very same may in some sort be applyed to those Priests, who after they had taken the *Oath*, and taught it to be lawfull, beeing exceedingly enueighed against, accounted no others then Apostates, and deprived of the common beneuolence which relieued their wants, did at the length reuolt from their faith.

9. Finally, all that which at the most can be gathered, from the bad successe of some few Priests, who haue taken the *Oath*, is this, that every one who hath any doubt concerning the lawfull taking of the *Oath* ought diligently to examine all, and every clause thereof, but doubtlesse no sufficient argument can be drawen from the bad successe, and euill euent to conclude the *Oath* to bee vnlawfull, and that with a safe



safe conscience it cannot bee taken.

Sect. V.

**T**He fifth, and last obiection against the Oath in generall is, *that it hath beene sufficiently prooued that the Oath is unlawfull, not onely by the aforesaid reasons and authorities, but also the same hath beene confirmed by diuine reuelations.* For to omit some vncertaine rumours, and which are scarce credible, of certaine visions and apparitions, *it is knowne to most Catholikes, and it is also published abroad, that a Catholike yong man, called Thomas Newton doth constantly relate, (which his relation he hath both oftentimes confirmed by word of mouth, & also for a perpetuall memorie therof, put it down in writing) that the most blessed Virgin S. Mary did vpon a certaine night<sup>n</sup> appeare vnto him lying in his bed with a Protestant yong man called Edward Sutton, & did expressely command him that he should not take the Oath. And that this apparition is very true it is proued also by the testimony of this Protestant yong man, who with his lowd crying out did awake the said Newton being a sleepe, and did foretell him of the vision which was presently to appeare vnto him, & with all cryed out pittifully, that he was damned onely for that he had already taken the Oath. Seeing therefore that this doctrine, which defendeth the Oath to be lawfull, hath been confuted by so many inuincible reasons, impugned by so many most learned men of these daies, condemned by his Holinesse in his Breues, and now at the last expressely forbidden by the most blessed Mother of God, what Catholicke, vnlesse he be starke mad dare auouch, that notwithstanding all this it may with a safe conscience be taken by Catholikes.*

Before I answer this obiection, I thought it expedient to set downe in this English Edition the true copie of the Relation word by word as it lyeth, which is as followeth.

<sup>n</sup> To wit the fourth of September. 1612. a little before midnight.

A Relation of *Thomas Newton* Gentleman of *Pickworth* in the county of *Lincolne* concerning a vision appearing vnto him, and to one *Edward Sutton* of *Kellam*, in the county of *Nottingham* Gentleman, this 4. of September. Anno. 1612.

**B**Eing in my iourney towards *London*, in *Standford* in the countie of *Lincolne*, about the space of fiue or fixe houres with *Mr. Sutton* in my company, I was vpon the sodaine in the streete staid by the Constables for hauing beaten an *Irish* boy which attended vpon mee. who said also, there was other matters to be laid to me; and my companion adioyning himselfe vnto me, and expostulating the matter with them about my apprehension, we were both committed to the *Tewre Hall* vpon Sunday the 29. of August, where we continued untill Wednesday following, hauing no bed to lye vpon, and for the space of foure and twenty houres hauing no meat allowed vs to eat; and vpon the Wednesday we were both brought before the Earle of *Excester*, who finding no matter of accusation against vs, wee were both let at liberty. In the mean time searching the place where we lay, they found a *Primmer* and a payre of beads and thereupon the Friday following wee were both againe brought before my Lord. who first demanded of *Mr. Sutton* whether he was a *Papist*, to which he answered, hee might as well proue him an *Atheist* as a *Papist*; then he asked him whose were the booke and beads, to the which he answered, that they were his, and that he had kept them for the loue of a Gentlewoman, which once gaue him the booke and beads, and that for her sake he had kept them; and then being demanded whether he would take the Oath of *Allegiance*, he desired at the first to be excused, for that hee had taken it before, but in sine being urged againe, he tooke it according

to the Statute, and the same being proposed unto me, I desired time to consider of it, because I neuer perused it, nor conferred with any Catholicke about it; which was giuen mee for the space of two daies, wherenpon I was committed to the Towne-Hall againe, and my companion with me, because he could not bring bayle, as the Constables required, vrging before my Lord, that wee might both bee bound to the peace. Being returned to the Towne-Hall, and discoursing together with my companion, hee demanded what wee should haue to Supper, I told him I was not wont to sup on Fridayes, and that I would haue nothing but a few peares, and a cup of water, to which hee answered that hee would take such part as I did; and so eating of those peares, and drinking water together, he told me that it was the most pleasing supper, that euer he had eaten; and hee desired also to wash himselfe with that water which was brought vp in a bucket for vs. And entring into some discourse with my companion about the Oath, alledging my reason why I refused to take it, he answered that he had neuer considered of the matter, but that he had done as he saw others do; wherenpon I bestowed my selfe to my deuotions, desiring almighty God to direct me in my answer, when I should be called next before my Lord; and so spent about the space of three houres or more upon my knees commending my selfe to God, and to all the holy Saints of heauen, and in particular to the Blessed Virgin of whose glorious assumption in body into Heauen I suffered at that time some scruple & distraction in my prayers; and also another scruple I suffered about the prayers of Saints, whether they were auailable for mee or not, which distraction I desired almighty God to put away from mee, I finding my selfe troubled therewith in my prayers.

Now my companion being gone to bed before mee, after some few prayers that he had said (where he refused to make the signe of the crosse as I had willed him) I went also to bed, and after I had commended my selfe to almighty God, I began to fall a sleepe, which was about eleuen of the clocke, and within lesse then halfe an houre after I was in bed, my

*companion began to rise out of the bed, crying out he was a damned wicked wretch, onely for taking the Oath, and how happy are you, said he, that are to receiue such heavenly comfort by hauing only taken time to think of it, desiring me to pray for him. Then I willed him to make the signe of the crosse, which he did willingly, and then crept downe into the bed, saying that he durst not looke vp to behold the vision which was for me to looke vpon, but desired me to pray for him, saying that he was onely to be a witnesse of the fauour which God vouchsafed to doe for me; and so lifting vp mine eyes I saw the roome where wee were shining with a most glorious resplendent light, and brightnesse, and with all the mystery of the blessed Trinity was represented to my understanding with greate comfort; and after this there appeared the B. Virgin all shining in a white Robe, and with an infinite number of Angels about her, holding a crowne ouer her head, singing in honour of the blessed Trinity, Alleluia, gloria in excelsis Deo, &c. Then I thought the blessed virgin spake vnto me in this manner, behold, see, and beleue my assumption in body and withall said, take not the Oath, but rather indure all torments, for I will bee with thee and assist thee in all, & will strengthen and preserue thee from all painer and torments with such consolations as thou now feelest. This vision of our Lady and the angels continued about the space of halfe an houre, and a little before they vanished away, there appeared also a multitude of holy Saints and Martyrs offering vp as it were incense vnto almighty God, which I conceived to be the fruit of those prayers wherewith I recommended my selfe vnto them; and me thought they said vnto mee, double thy deuotion vnto the Saints, for nothing is more acceptable vnto almighty God: Now for the time of this vision both my selfe and my companion were without the vse of our tongues, I looking vpon the Blessed Virgin and the Angels and Saints then appearing, and hee crouching downe in the bed as fearing to looke vpon them; but the vision being ended our speech returned vnto vs, and I began to cry with a loude voice Alleluia, gloria &c.*

*which*

which my companion did also in like manner, uttering those prayers which neuer in all his life hee could say nor scarce vnderstand, as I thinke before that time, saying vnto mee, that now hee was taught how to pray, and so we continued the space of three houres or thereabouts, crying out with so loud a voice, that we were heard more then a furlong off from that place; and diuers of the towne hearing vs came neere vnto vs, and cryed out against vs vsing words vnto vs which I doe not remember. Thus wee continued for the space of three or foure houres, so long as the light continued in the roome, being not able in all this time to rise out of our bed: And in the morning the keeper with some others brought vs againe vnto my Lord, telling him how wee had cryed out all that night, & called vpon the Saints, & bringing with them a paper, which as soone as wee were risen out of our bed, wee had written of that vision, which appeared vnto vs, which I did by the perswasion of Master Sutton, who told me that hee was a witnesse of all that had appeared vnto vs & that it appeared principally to me and to him also for his better instructions in Religion; as also of his fathers and friends, and that hee might be a witnesse of the fauour which God had shewed mee, and so appearing againe before my Lord, and being demanded of the vision wee both confirmed it, and as well he iustified the truth of that Religion, whereunto he was called, and I also the like, confirming also the doctrine of prayer to Saints by many places of Scripture, as also the assumption of our Blessed Lady in body, to the which purpose I alleadged the place in the Apocalips ca. 12. signum magnum in ccelo, the which place I neuer had seene, or heard before in all my life, but that time I vttered as readily as if I had seen it before mine eyes. Vpon this I was deliuered ouer to the Sherife and by him brought to the Bishop and by him set at libertie. Master Sutton was deliuered ouer to Protestants and ministers, who told him that he was mad, and that vision was from the Diuell, and so by whipping his hands, and binding him, with want of sleepe and such hard vsage, and terrifying

speeches of the Diuell, and such like, he became distracted of his wits, and so remaineth for any thing that I know; though for two daies after this vision upon my knowledge he was not only in perfect sense; but very ciuill and modest and much reclaimed from swearing, and other disorderly behaviour, and finding him about eight daies after in Grantham, though otherwise hee seemed distracted, yet to me he spake very sensible, and desired to haue priuate speech with me, which would not be permitted.

2 This vision may perchance somewhat moue the ignorant people, and some other ouer credulous persons, who do vse to make great reckoning of euery idle rumour which may serue their owne turne: but to prudent and learned men, who know right well what a hard matter it is to discerne when any spirit cometh from God, and which apparition, although it be true, and not feigned, proceedeth from a good or euill spirit, who sometime transfigureth himselfe into an Angell of light, it is a very friuolous prooffe. For concerning visions, and apparitions, as it doth not belong to all men, saith Gerson <sup>o</sup>, to prophecie, nor to all men to Euangelize, nor to all men to interpret speeches, but to some by office untill the end of the world, so it doth not be long to all men to try or proue the spirits if they be of God, but to whom it is giuen, as are spirituall persons, whom the vntion teacheth of all things, also doe iudge of all things euen betwene day, and who day.

3 First therefore although we grant an apparition to be true, not forged, reall, not imaginarie (for now and then they also that be awake, doe through a vehement imagination thinke that to haue happened in very deede, which was only done in imagination) yet by reason of the daily illusions also of spirituall persons <sup>p</sup>, it is a hard matter for him, that hath a reuelation to know certainly whether it come from God, or the Diuell, seeing that oftentimes the wicked spirit, when he intendeth vnder pretence of good to draw a man to euill, doth appeare in the

forme

<sup>o</sup> In tract. de probatione spirituum versus principium.

<sup>p</sup> Martinus Delrius lib. 4. Disquit. Magi. cap. 1. q. 3. in principio.



forme of an *Angell*, or of an other Saint, yea, and sometimes which the eares doe abhorre to heare, also of *Christ our Lord crucified*, whercof many examples are related by *Martinus Delrius* ¶ a *Divine* of the Societie of *Iesus*, of which three only at this present I will rehearse.

4 The first is of *Secundellus* a Deacon, of whom *Gregorius Turonensis* ¶ writeth thus: Saint *Friardus* with *Secundellus* the Deacon did remaine in the *Iland Vindunita* without euer departing from thence; yet both of them had there peculiar cells, but a goodwaie distant one from the other: And being fervent at their prayers the tempter appeared in the night to *Secundellus* the Deacon in the shape of our Saviour, saying, I am *Christ* whom thou doest continually pray vnto: Thou art now a Saint, and I have written thy name in the booke of life with the rest of my Saints: Depart now from this *Iland*, and goe doe cures among the people. And he being inticed with these deceits departed from the *Iland*, neither did he acquaint his companion therewith; neuerthelesse when in the name of *Christ* he did put his hands upon sick persons they were cured: neither did hee perceiue that hee was deluded by the tempter untill after a longtime when he was returned back to the *Iland*, by the prayers, and admonitions of Saint *Friardus* he certainly knew the same.

5 The second example he relateth out of *Iacobus Vitriacur*, who writeth thus: One of her chiefe friends (to wit of *B. Marie Oeniace*) was one time by so much the more dangerously by how much the more craftily molested with a noone daie *Diuell* walking in the darke. For the craftie enemy transfiguring himselfe into an *Angell* of light did vnder shew of godlinesse appeare vnto him familiarly in his sleepe some times reprehending some faults of his, and also guilefully exhorting him to doe some good deedes, that hauing first offered him a false shew of godlinesse as a certaine preseruatiue against poysen, he might afterwards more secretly by little and little pouer in his poysen, and ha-

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¶ In the Booke  
about cited  
ca. 1. q. 3. sec. 5.

¶ Lib. de Vitis  
Patrum cap. 10.

¶ Lib. 1. vitæ B.  
Mariæ Oeniace  
cens. cap. 9.

uing flatteringly put forth his tongue ointed with bony, he might afterwards fasten in his sooth, and at the last stretch forth his taile as a Cedar tree. For when now he was beleeu-  
ued as one who telleth truth, then this traitor like a cosener, and deceiuer did mixe falsehoods with some truths, pretending trecherously by his mingling of good things some colour to his falsehoods. And at the last by his deceiptfull shifts, he drew that brother so farre, that his proceedings had come to a most wicked end, vlesse the handmaid of Christ, the holy Ghost reuealing it vnto her, had learned the deceipts of this crafty beguiler, &c.

Ex annuis li-  
teris Iesuitarū  
prouinciz Me-  
diolanensis  
anno. 1590.

6. The third example hee relateth out of *Franciscus Beucius*, who writeth, that in a village neere to Arona the *Deuill* appeared in the night to a certaine maide in the likencesse of *Saint Ursula* carrying before the banner of the crosse with a troupe of many *Virgins*, and thus spake vnto her: God seeth and loueth this thy purpose to keep thy virginity, but because it is a very hard matter to keepe thy minde altogether vndefiled in thy Fathers house among so many dangers, which are oftentimes cast before thy eyes, he hath sent vs to guide thee to a monastery of sacred *Virgins*, who hauing left all cares do serue him deuoutly. Here the maide, God inspiring her, when fearing the deceipts of the *Deuill* she had made the signe of the crosse drawing her right hand from her head to her breast, and presently from her left hand to her right, acknowledgeth her selfe to be most vnworthy of such visions, and of so great an honour. Neither truly, saith she, doe I greatly beleene you, and I doe feare faigned guile in your faire speeches. But if you are sent by God, do humble reuerence to these *Saints reliques* (for she had reliques hanging about her necke.) It is wonderfull to speake the euill spirits fell down vpon their knees worshipping the Reliques, and so much the more they vrge her to hasten her departure. But it is not lawfull for mee, (saith she) to doe any thing of importance without my Ghostly Fathers leave, neither is it fitting for me to goe vnto him at this

this unreasonable time of night, goe you unto him, and declare the commandement of God, when it is day I will goe unto him and follow his aduise. With this answer the Devils setting aside all dissembling did hide themselves in their darkenesse, raging against the maid, crying earnestly out against her with reproachfull words, shee laughing them to scorne that they did onely fight with their tongues, & humbly giuing thanks to almighty God. Hitherto Bencius. By which it is plainly gathered, how hard a matter it is euen for spirituall persons, and much more for them who are little or nothing practised in spirituall life, to discern, whether an apparition be a reuelatio from God, or an illusion of the Deuill, especially in these times: For in times past, as Delrius saith, <sup>c</sup> *Diuine visions were more frequent, because they were more necessary, now a daies being not so necessary, they are lesse frequent, and therefore more to be suspected, that for iust cause they ought both to be examined by the Ecclesiasticall Magistrate, and also shunned by priuate men.* Of <sup>u</sup> *visions Iohn Gerson*<sup>u</sup>, Delrium<sup>x</sup> and others cited by Delrium doe largely treat, and do assigne many rules to try spirits, if they be of God, of which I will set down some which are more cheefly to be obserued.

7. One therefore, as saith Delrium, <sup>y</sup> *either iudge it of his owne apparition, or of an other mans. and there is more danger in the former case, in both he must be a spirituall & deuout person, for the sensuall man perceineth not those things that are of the spirit of God*<sup>z</sup>. And to discern ones owne apparition there may bee considered as it were two manner of waies: the one is experimentall, which together with his owne reuelation is infused in him who hath the reuelation; [which manner, as Gerson saith, is done by an inward inspiration, or an inward feeling and delight, or by an experimentall sweetnesse, or by an enlightning from the heauenly mountaines putting away all darkenesse of any doubt.] And this manner is rare, and granted to few, and they, to whom it is not granted, may not in their owne reuelations stand to their owne iudgements, and these to whom it is

<sup>c</sup> q. 3. cit. sec. 1.

<sup>u</sup> Loc. cit. et in tract de distincti-  
verarum visio-  
num a falsis.

<sup>x</sup> Lib. 4. c. 1. q. 3  
<sup>y</sup> q. 3. cit. sec. 1.

<sup>z</sup> 1. Cor. 2.

2 1. Cor. 2.

granted by God, may not use it to discerne the revelations of other men; For as no man knoweth the things of the spirit, but the spirit himselfe, & so no man knoweth with an infallible certainty by this experimental feeling those things which are in an other mans mind.

8 The other way to discerne spirits, which they call doctrinall, which also is in some part common to the discerning of other mens visions, is by a diligent, and pious using of the holy Scripture, which prescribeth rules to discerne false Prophets from true, Also the reading of the holy Fathers, and Ecclesiastical Histories are very profitable to distinguish by peculiar signes, and markes illusions from revelations. To these if the observation of spirituall men, and experience be added, and in doubtfull, and obscure things be asked the counsell of learned, and godly men, and who have made great progresse in the way of the spirit, and have bene long practised in fighting against the trecheries of the Devil, there is hope that deceits will that way be perceiued and avoided. Without doubt to this second manner of giuing ones iudgement onely doctrine doth not suffice, but there must be added vnto it ones owne experience, that he be learned and contemplative, and that he hath not sleightly learned the holy Scripture, and the rest of Diuinity, and that he hath had experience in himselfe, saith Gerson, of the strife and combat of spirituall afflictions, as though now bee ascended vp to the heauens, and now descended into bottomlesse gulfes, and saw the wonders of God in the depth. For they that saile upon this mysticall sea of diuerse affections, as waves beating together, doe declare the wonders thereof. But hee that hath not had experience of such things, what knoweth he of them? And to this there is not found a more necessary disposition then of solide humility, for as Moses doth say, as we read in Celsianus, this knowledge is giuen by God only to humble men.

9 Finally, we must not be too rash in giuing our iudgement, but we must first diligently commend the matter to God, and make many examinations in our minde, which

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*Delirius* confirmeth by the testimonies of many Saints, and especially of the most Blessed Mother of God, who before she made answer to the Archangell Gabriell, saluting her, thought what manner of salutation this should be, and that not lightly, but ~~swayim~~ with mature and long deliberation she considered in her minde, whether that salutation was an illusion or no, & proceeded from God, or the Diuell, as Euthymius very well doth note. Verily when the thing is doubtfull, it is farre more safe to reiect it with a godlie humilitie, then greedily and confidently to admit it, and assent vnto it, as the examples of holy Fathers doe witness, who shunned this curiositie of visions and miracles, as a thing most pernicious and deceitfull. As one Saint when the Diuell transfiguring himselfe into the shape of Christ, said vnto him, I am Christ come to visite thee personally, for that thou art worthe, presently with both his hands closed his eyes crying out, I will not here see Christ, it sufficeth if I shall see him in glory, and forth-with he vanished away. An other did with other words obserue the like humilitie in the like illusion, Looke, saith he, to whom thou art sent, I vndoubtedly am not such a one, that am worthy heere to see Christ. And the blessed Virgin Coleta answered euen God himselfe, who was willing to reueale vnto her many secrets, My Lord God it is sufficient for me to know onely thee and my sinnes, and to obtaine pardon for them from thee. <sup>b</sup> See also many other things which the aforesaid Doctours doe obserue for one to examine his owne visions.

10. Concerning the examining of other mens apparitions, whether they come from a good or an euill spirit, many rules are prescribed by the same Doctours. If there come vnto thee, saith Gerson, any one who earnestly affirmeth that he hath had a reuelation, as we know by the sacred history, that Zacharias, and other Prophets haue had, what shall we doe, in what manner shall we bebaue our selues? If presently we deny or scorne, or reprove all, we shall seeme to weaken the authority of diuine reuelation,

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<sup>b</sup> Stephanus  
Iuliacus in her  
life, ca. 5.

<sup>c</sup> In tractat. de  
distinct. verarū  
visionum à falsis  
parum à prin-  
cipio.

d I think the word [*prostris* ours] is an error in Gerson, it is to be read [*in intersis* all] or [*diuinitis* diuine.]

<sup>e</sup> 1. Iohn. 4.  
1. Thess. 5.

which is now, as wel as heretofore potent, for his hand is not shortened that he can not reueale. We shall also scandalize the simple who may say, that so we might calumniate or slander all diuinations and prophecies, and account them to be idle phantasies or illusions. Therefore wee will keepe a meane betwixt both, and according to the admonition of the Apostle Saint Iohn<sup>e</sup>, We will not beleue euery spirit, but we will proue and try the spirits if they be of God, and being obedient to the Apostle<sup>t</sup> Saint Paul, Let vs hold that which is good.

11. First therefore the examiner of these visions ought to be a Diuine, skilfull in knowledge, and also in experience, not like to those, who alwaies learning, neuer come to the knowledge of truth, as are bablers, men full of words, arrogant, contentions, &c. For to such persons euery new diuine reuelation is so unknowne and barbarous, that as soone as it is related vnto them, with great laughter and derision they reiect it, scorne it and reprove it. Others there be, I confesse, that on the other side runne headlong into the contrary vice, who doe attribute to reuelations euen the superstitious, vaine, and deceitfull fables and dreames of mad-doting men, and the idle phantasies of sick and melancholic persons. And perceiuing that these haue too light and credulous a heart to beleue, and the other too vntreatable and harsh, I know that to be most certaine which Ouid writeth, Thou shalt go most safe by keeping the meane.

12. And because there be very many signes and tokens, whereby a diuine reuelation may bee discerned from a diabolicall illusion, Iohn Gerson<sup>e</sup>, (whose authoritie in such like things doubtlesse is great, saith Delrinus<sup>h</sup>) to auoid confusion, doth reduce them, as it were, to fix heads

What is he who hath the reuelation, what it containeth and affirmeth: for what end it is said to be: to whom it is disclosed for counsell: in what manner he is knowne to line: and from whence it is found to proceed.

13. First therefore he that will examine spirits, must haue

<sup>e</sup> In tract. de probatione spirituum.

<sup>h</sup> q. 3. cit. sec. 1.



have consideration of the person who hath visions, if he have a good & discrete iudgement of naturall reason, for that the brains being crased, the iudgement of his naturall reason is disturbed. If for want of good health, abundance of melancholic humours, for ouer great want of foode or lacke of sleepe, or by reason of a disordered imagination he be troubled with phantasies, there need no great inquiry to be made, from what spirit these melancholic phantasies and illusions doe proceed, as appeareth in frantick and diuerse sick persons, who being awake, think that they do see, heare, & tast, &c. that which those that be in a dreame imagine they doe. Besides euery extreme passion hath her crasinesse, her drunkenness, and as Origen saith, her Diuell. This is seene in those that be overcome with extreme loue, in ienious, angrie, enuious and couetous persons, according to that of the Poet, They that be in loue, faine dreames to them selues. For the Diuell doth easilie delude these kinde of persons who haue a crasie brains, and are too apprehensie and of a troubled, <sup>k</sup> and ouer vehement imagination, for that they doe stilly adhere and assent to the present representations of false things.

14 There must also be inquirie made <sup>l</sup>, whether the person that hath the vision be a nouice in the zeale of faith, and spirituall exercise, for that yong seruour is easily deceived, if it want a gouernour, especially in yong men, and women, whose seruour is ouer vehement, greedie, variable, vnbredled, and therefore to be suspected. By this taken Francis Picus <sup>m</sup>, saith Delrius, did at the first discover the falsehood of a certain reuelation, & vision; and afterwards other signes did appeare, as that the Diuell in the shape of our Saviour Christ did counsaile him certaine vaine things mixt with good. Also it behooueth much to consider of what qualitie the person is, and hath been, what learning he hath, to what things he is accustomed, with what things he is delighted, with whom he hath conuersed, if he be rich or poore, in the first pride, or secret delights, in the second sickness is to be feared. Neither is the distinction of ages, and

<sup>i</sup> Delrius sect. 2  
cit. nu. 4.

<sup>k</sup> Delrius loc.  
cit.

<sup>l</sup> Gerson loc.  
cit. et Delrius  
nu. 7.

<sup>m</sup> Sec. 2. nu. 7.

sexes to be neglected. For if it be a falling, and decaying age, there is danger of dotage, if yong, there is danger of leuitie, and some fantastickall infirmitie, for that boies haue a more moist braine then is fitting, and dee abound with vapours, which are easily mooued. And therefore in times past the Denils were desirous to utter their oracles by them as more fit persons for their purposes, and also now a daies they vse to doe the same in their apparitions in water, and Crisfall. Concerning the feminine sexe it is manifest that it is more to be suspected.

n Gerson loc.  
cit.

15 *Above all things it is conuenient to obserue n, that there lye hidden no inward spirituall pride, which S. Bernard calleth, and that truly, a subtile enill: for that this doth arise from the humbling of ones selfe, from base apparell, and haire cloth, from fasting, and virginittie, yea, and taketh beginning from his owne death, and from his contrarie, what therefore will be safe from pride, seeing that vertue it selfe is not safe from it? And there is a certaine pride in the vnderstanding when it will not be subiect to an other mans iudgement, but relyeth only on his owne, and a certaine pride in the will, while it refuseth to obey, and this is sooner perceiued then the first, and therefore more easily amended.*

16 Secondly, in the examining of spirits, we must not only regard the person who hath visions, but also the qualitie of the visions; if all things euen to the least proposition be true, for that falshood is not in the spirit of truth, but in the spirit of lying there be sometimes a thousand manifest truths, that in one only hidden falshood he may deceiue. For this cause Christ forbade those that were possessed with Denils, and Paul the wench that had a Pythonicall spirit to testifie the truth. Moreover if in the visions there be that wisdom, which is from aboue, with those titles which Iames rehearseth, first, saith he, it is chaste, then peaceable, modest &c.

17 Thirdly, the examining of spirits requireth, that the person to whom these visions are disclosed, behaue himselfe

selfe very prudently; and circumspectly: and especially in the beginning let him consider diligently for what end this person is mooved to make known his secret: whereupon this consideration may be made. Bewarie therefore whosoever thou be that art a hearer, or counsailer, that thou doe not applaude such a person, nor commend him, or admire him as a holie man, and worthy of such reuelations, and miracles; gainsay him rather, rebuke him sharpely, reuile him whose heart is so haughtie, and eies so loose, that he walketh in great and wonderfull matters aboute himselfe, that he seemeth to himselfe worthe not to worke his saluation as other men do, to wit, by the doctrine of holy Scriptures and Saints, with the dictamen or iudgement of naturall reason. Admonish such a one not to be high minded, but to be wise vnto sobrietie, for that he spake most truly that said, Pride deserteth to be deluded, and the Holy Ghost, who giueth himselfe to the humble, will not withdraw himselfe from any for vsing an act of humilitie.

18 Fourthly, in the examining of spirits we must consider the end for the which visions are said to be, and not only the immediate and manifest end, but also the remote and hidden end. The first end therefore may appeare good and wholesome, deuout, and to the edification of others, which at the length will grow to a plaine scandall, whiles either the last shall not be answerable to the first, or else any other false or faigned thing shall be found to haue beene in those persons which was thought to haue proceeded from sanctitie and deuotion. Moreover if a thing be done by humane diligence, whether it be in manners or in doctrine, why is it needfull either to seeke or to expect, that God should speake from heauen? This truly is more like to the tempting then to the honouring of God. Wherefore if without any reuelation, one may by humane vnderstanding attaine to that, which is said to haue beene reuealed, that reuelation is to be suspected and superfluous, and not necessary. Furthermore, we must also consider the end for which these visions are disclosed to an other person, whether for ostentation, or

Delcius sect. 5.  
Sect. 3.<sup>a</sup> consideration.

necessitie, whether to giue or to receiue counsell, whether to one that is skilfull or unskilfull in such things. And if this person doth seeme onely to demand counsell for feare of being deceiued, it must be considered whether hee shew himselfe to be readie to follow counsell, otherwise there will be scarce any hope of curing him, because, as Iohn Climachus saith, hee needeth now no Diuell to tempt him, for that he is become a Diuell to himselfe. And doubtlesse if the vision came from God, it will not come to naught in one who humbleth himselfe for God vnder the iudgement of an other, but it will be more strengthened and preuaile.

19. Fifthly, in the examining of spirits we must consider of what manner of conuersation the person is who saith he hath had visions, whether he conuerseth in secret, or in publike, in an actiue or contemplatiue life, whether in ouer much deuotion, which causeth a singularitie in apparell and such like, or if his common conuersation be conformable to those with whom he liueth. This especially is needfull to consider if she be a woman, how she conuerseth with her Ghostly Fathers, and instructours, if she be giuen to continuall talking, vnder presence now of often confessing, other times of a long rehearsing of her visions, or of any other tatling. Beleeue them that haue had experience, especially S. Austine and S. Bonauenture, there is scarce any contagion either of greater force to hurt, or more incurable. And if it had no other hurt then this so great awasting of such precious time, it were abundantly enough for the Diuell.

20. Sixthly, in the examining of spirits we must consider from whence the spirite doth come, or whether it doth goe, and how he doth insinuate himselfe. For the euill spirit doth insinuate himselfe to them who goe forward in vertue, harshly, vnpleasantly, and violently, & as it were with a certaine vehemency as a shower of raine falling vpon stones: but the good spirit doth insinuate himselfe to the same persons, softly, pleasantly, and sweetly, as water doth wet a sponge. But With them who goe backward, experience teach-

eth

eth that it falleth out quite contrarie. Therefore S. Bernard doth witnesse, & that he had not this gift given him to know this in himselfe, to wit, from whence the spirit commeth, or whether it goeth, who neuerthelesse humbly confesseth that he often times perceived the presence of the holy spirit by an inward motion of the hart or mind. Therefore perchance one will wonder, how a person of an inferiour state can say, that he oftentimes doth discern, from whence the spirit commeth, especially seeing that Christ said to Nicodemus, <sup>r</sup>Thou hearest his voice, but thou knowest not whence he commeth, and whether he goeth. And moreover in diuers spirits there is to be seene a great similitude in inspirations. For God is a spirit, a good Angell is a spirit, a bad Angell is a spirit, there is also a humane spirit, both reasonable and sensuall. And the like vision may be inspired by every one of these spirits, although in a different manner, but by reason of some similitude the difference can not easily be perceived by them, who are not skilfull in such things, who neither of themselves by their sharpnesse of wit, neither by their learning in Divinitie, or naturall Philosophy, nor by the instruction from others doe know how to distinguish them. Neither doubtlesse is it to be meruailed at, seeing that we find very few men, who doe perfectly know how to discern the cogitations and affections of their reasonable soule as it is reasonable, from those which are sensuall, to wit, which are in the common sense, or in the organ of the phantasie. Whom, I pray you, will you finde of those men who feare God, and fley from sinne, who alwaies and in allthings doth clearly perceive, when temptations doe abound, whether he hath onely some sensualitie in his imagination, or also some consent in his reason? So hard a matter it is to discern sensualitie, or a sensuall delight from consent. How much more difficult a matter is it to examine those foure spirits before mentioned, to wit, when a vehement instinct, or inspiration commeth to our minde, whether it be from God, from a good Angell, or a bad, or from our owne proper humane spirit, of which also there are

q Gerson, loc.  
cit.

<sup>r</sup> Ioan. 3.

two parts or portions the superiour, or reasonable, and the inferiour or sensuall part? The distinction of which two to discern perfectly, is onely granted by that word of God which doth pearce euen to the diuinding of the spirit & soule, which deuision she found in her selfe, who cryed out, My soule doth magnifie the Lord, and then deuinding the spirit from the soule, she added, and my spirit hath reioyced in God my Sauour.

<sup>f</sup> Delius sect. 6  
Sect. secundo.

<sup>r</sup> In vita sua  
cap. 2.

<sup>u</sup> In the places  
aboue cited.  
<sup>x</sup> In tract. de di-  
stinct. verarum  
visionū a falsis.

21. Lastly, to make triall whether this spirit commeth from God, <sup>f</sup> We must examine the cogitations, which went before, or followed the reuelation. For from the imagination of former things may easily proceed a phantastical illusion. To one who is troubled and tossed with euill thoughts, the holy spirit or a true reuelation doth neuer come: and neuer thelesse a true and diuine reuelation doth not alwaies follow a good and holy thought. For in the very seruour of praier, the Diuell many times doth endeavour to creepe in. After a true reuelation good desires, and good effects doe alwaies follow, and sometimes accidentally, and for a time also good effects do follow an illusion, which neuer thelesse are by the Diuell referred to a greater euill. That hath beene obserued before by Hucbaldus, who when he had related the visions of Saint Aldegundis, he addeth <sup>r</sup>, In all these reuelations the prudent Virgin did more, and more humble her selfe, she came nearer the kingdome of God, she did more seruently adhere to her heauenly spouse. This doubtlesse is the proper effect of true reuelations, those effects which are contrary to this, doe plainly shew that it was an illusion, which went before. He that desireth to know more concerning this matter, may read *Martinus Delius*, and *Iohn Gerson* <sup>u</sup>, who very well compareth <sup>x</sup> a diuine reuelation to a golden peece of money, and describeth fīue vertues which are like to the properties of gold, whereby this coine of diuine reuelation may bee distinguished from the counterfeit money of a diabolical apparition: to wit, if it haue the waight of humilitie, without curiositie, and vaine lofinesse:



*if it have the flexibilitie of discretion, without a superstitious esteeming, or rejecting of counsell: if it have the durability of patience in adversities, without grudging and fained emulation; if it have the configuration of truth, without any false or vaine assertion; and finally, if it have the lively and pure colour of divine charity, without any drosse of carnall sensualitie.*

22. By this which hath been said, it is manifest, that very great diligence is to be vsed, and much examining is to be made both by him, who is said to have had an apparition, and also by others who are to iudge thereof, before we publish any vision as a diuine reuelation, especially if it be alleadged to confirme any doctrine, least that otherwise wee broach a false or vncertaine doctrine for an vndoubted truth; for the precious coine of a heauenly vision, we sell hay, straw, and diabolicall illusions, and vnder a faire shew and colour of godlinesse, wee throw headlong into dangerous errors deuout people, who are ouermuch giuen to beleue pretended visions and miracles. Now what great diligence, and what meanes both Master *Newton*, who saith, that he saw this vision, and also those to whom he did disclose it, have vsed in examining thereof, to wit, whether it was a true apparition or a phantastickall imagination, a diuine reuelation, or a diabolicall illusion, it is not as yet knowen to me. But verily if that bee true which is reported, they were too headlong in publishing thereof, seeing that both Master *Newton*, as himselfe affirmeth, did by the perswasion of his companion Master *Sutton* a Protestant, presently put it downe in writing, and shewed it to others, and also those to whom hee did disclose it, doubted not forthwith, and without any more examining, to publish it as a true reuelation. But howseuer it was, there are diuers strong arguments drawne from the aforesaid rules, which doe probably shew, that it was not a heauenly reuelation.

y Surius ad an-  
num. 1509.

23. And first of all, although it may fall out, that one for lucre, vaine glory, or for some other priuate, or in his iudgement also publike commoditie may of set purpose forge false miracles and reuelations, as it happened at *Berna* in *Switzerland*, where certaine chiefe Priests of a Religious Order were burnt for saigning of reuelations to impugne the immaculate *Conception* of the *blessed Mother of God*, yet God forbid, that I should haue but the least suspition, that Master *Newton* being a Catholike man, would haue committed so heinous a crime. Neuerthelesse I am vndoubtedly perswaded, that according to the aforesaid doctrine many cleare signes may be alleadged, whereby we may make a probable coniecture, that this vision is either to be ascribed to the vehement imagination of a troubled braine, or else to bee accounted a meete illusion of the Diuell.

\* Mr. *Newton* himselfe in his relation, attributeth the phrensie of Master *Sutton* to his hard v-sage, want of sleepe, &c. Why then might not also Mr. *Newton* for the same causes be somewhat disempered in his imagination at the time of that pretended vision?

24. For first it is sufficiently knowen, that both of them were very young men, and that in prison, as in the relation we read, they were hardly vsed, and therefore both for want of foode, and lacke of sleepe, they (hauiug not eaten for twentie soure houres any meate at all, nor slept in any bed for many dayes) might easily suffer some harme and crasinesse in their imagination. Secondly, the relation affirmeth that Master *Newton* was sodainly awaked out of his sleepe by the outcries of his companion Master *Sutton* a Protestant, who cried out, *that he was a damned wicked wretch, only for taking the Oath*, and who also had before a weake, not to say, a crasie braine, (for not long after hee was cleane distracted of his wits, as Master *Newton* himselfe confesseth) and therefore it was a very easie matter for Master *Newton*, through a vehement apprehension of the vision, which Master *Sutton* did foretell him, being yet scarce fully awake, should instantly appeare vnto him, to imagine that hee saw, and heard that, which in very deed he neither saw nor heard, which oftentimes hap-

happeneth also to them that be awake, as wee before have noted. And doubtlesse it is evident by the relation it selfe, that the apparition was onely imaginary, for as much as concerneth the words, which Master *Newton* affirmeth he did heare. For although he saith, that he *saw the blessed Virgin, with an infinite number of Angels about her, and that there appeared unto him a multitude of holy Saints,* yet when hee repeateth the words that they spake vnto him, hee doth not absolutely say, that they spake this or that vnto him, *But I thought,* saith he, *the blessed Virgin spake to me in this manner, Behold, see and beleene my Assumptiō in body, and withall said, take not the Oath, but rather endure all torments, &c.* And a litle after, *I thought,* saith he, *the Saints said vnto me, Double thy deuotion vnto the Saints, for nothing is more acceptable vnto almighty God.* So that all the certaintie of this reuelation dependeth vpon the sole cogitation and imagination of a young man, who is neither a Saint nor learned, nor exercised in contemplatiue life; which kind of testimonie, to knowe what authoritie it can beare for giuing credit to a vision, I remit the Reader to that, which wee haue before related out of *Gerfon* and *Delrims.*

25. But be it as it will, let this vision be reall, let it be imaginary (for vndoubtedly both wayes Almighty God may appeare to men, either immediatly by himselfe, or by his Angels and Saints) neuerthelessse there be many probable signes, which according to the rules before set downe, doe plainly shew, partly that this reuelation may bee iustly suspected, and partly that it was no diuine apparition, but a meere illusion. For first it is knowen that Master *Sutton*, who foretold Master *Newton*, that he should haue an apparition, and so was the first man to whom the vision was reuealed, was not onely no Catholike, but also, as is gathered by Master *Newtons* relation, was much giuen to swearing, and o-ther disorderly behauiour. It is also manifest that Ma-  
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*this is false*

ster *Newton* was not onely a Nouice in the course of spirituall life, but also not well confirmed in the Catho-like faith, seeing that, as appeareth by his relation, hee doubted of the *Assumption* of the blessed Virgin, and also of the lawfull praying to Saints.

26. Besides, many things are in Master *Newton*'s relation, which doe not seeme to bee agreeable to truth. And first those things doe not hang well together, which are said of Master *Sutton*, to wit, *that he was to be a witnesse of the fauour which God vouchsafed to doe for Master Newton*, considering that Master *Sutton* did neither heare, nor see almost any thing of that apparition, whereof he could be either an eare or an eye-witnesse. For Master *Sutton*, as Master *Newton* in his relation affirmeth, *crept downe into the bed, saying, that he durst not looke vp to behold the vision, which was for me to looke upon, but desired me to pray for him, saying that hee was onely to be a witnesse of the fauour, which God vouchsafed to doe for me, and so lifting up my eyes, I saw the roome shining, &c.* Now those things, which were spoken by the Blessed Virgin, and the holy Saints, vnto Master *Newton*, hee did not heare with his corporall eare, but with his inward imagination. *I thought*, saith hee, *that the blessed Virgin spake vnto me, Take not the Oath, &c. Me thought the Saints said vnto mee, Double thy deuotion, &c.*

27. Secondly, that also is false, which in this reuelation Master *Sutton* affirmed, to wit, *that he was a damned wretch only for taking the Oath*, seeing that, as appeareth by the relation, hee had committed many other youthfull sinnes, for the which he deserued damnation. And although in some later copies that word [*onely*] is now rased out, yet for certaintie in the first copies, whereof many are yet extant, that word [*onely*] is expressly contained. Thirdly, those words, *Double thy deuotion to the Saints*, for there is nothing more acceptable to almighty God, spoken generally are not also agreeable to truth, for

for that it is evident, that charitie, which is a Theologicall vertue, to speake nothing of other vertues, is more acceptable to God, then deuotion vnto the Saints.

28. *Fourthly*, that this apparition was not a diuine reuelation, but an illusion, is also proued by the effect thereof. For, besides that madnesse and phrensinesse do seldome follow diuine consolations and reuelations, as it happened to Master *Sutton*, (vnlesse that one wil say, that before that reuelation hee was distracted of his wits, from whence a farre stronger argument may bee drawn to disproue this reuelation) Master *Newton* himselfe against the expresse prohibition of the *Blessed Virgin* did take the Oath, as the *Bishop of Peterborow*, who did tender it vnto him, and many others, who were present, doe constantly affirme. Neither is it probable, that the aforesaid *Bishop* either would, or durst release Master *Newton*, whom the *Earle of Excester* had committed to prison for that he refused to take the Oath, before he had taken the same. And doubtlesse the great silence, which Master *Newton* vseth in passing ouer so sleightly the manner, and conditions, vpon which he was set at libertie, onely affirming, *that he was by the Earle of Excester deliuered ouer to the Sheriffe, and by him brought to the Bishop, and by him set at liberty*, seeing that he is not negligent in rehearsing diuerse other things of lesser moment, is no small argument, that some frailtie lay hidden, which Master *Newton* was not willing should be knowen.

29. *Lastly*, that other miracle, which Master *Newton* related of himselfe, doth not seeme to be very probable, to wit, that hee before the *Earle of Excester* to confirme the Assumption of our *Blessed Ladie* in bodie alleaged the place in the *Apocalips* cap. 12. *Signum magnum in celo, the which place, as he saith, he had neither seene nor heard in all his life, but at that time he vttered it as readily, as if he had seene it before his eyes*. For considering that the miraculous works of God are alwaies per-

fect, it is not credible, that the *holy Ghost* would by the mouth of *Master Newton*, to proue the *Assumption* of the *Blessed Virgin* alleage such a place of Scripture, which according to the doctrine of Catholike Diuines is no conuincing prooffe, but according to the common doctrine of Diuines, the literall sense of that place is not to be vnderstood of the *Blessed Virgin*, but of the holy Church, and no text of holy Scripture according to the mysticall or allegoricall sense thereof, vnlesse by some other place of Scripture it bee declared to be that sense, but onely according to the literall sense, is a sufficient argument to proue a position or doctrine of faith. I omit, that in this relation of *Master Newton*, there doth not appeare to be in him so perfect humilitie, as, according to the rules before set downe, ought to be in one, vnto whom almightie God doth truly reueale himselfe. as euery one, who readeth the relation, may clearly perceiue.

30. Wherefore if *Bartholomews Medina* a most learned Diuine of the Order of *Saint Dominicke*, and diuerse other Diuines, in answering to those arguments which are drawne from the revelations of holy women, and Saints, and famous for working miracles, (commonly cited in Schooles, and by the Popes permission printed and published) to confirme the doctrine of the immaculate *Conception* of the *Blessed Virgin*, are not afraide to say, that those reuelations are not authenticke, and haue not waight of authoritie, how much the more may one for the causes and arguments before rehearsed iustly, and boldly answer, that this apparition is not authenticke and of waight, it being founded in the sole authoritie of one young man, who neither is a Saint, nor a learned man, nor exercised in a contemplatiue life?

31. These bee the answers which the defenders of the *Oath* doe commonly bring to *Master Newtons* pretended reuelation, which truely, for that it concerneth  
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the facts of particular persons yet living, I was very loath to haue examined, had not Master *Newton* himselfe by his owne hand writing making it knowne publicly to all men, altogether compelled me to shew the weaknesse of this argument, which is drawen from his reuelation, which neuerthelesse many haue greatly vrged to impugne the *Oath*, and haue exceedingly gloried therein. From all which it may very well be concluded, that no sufficient argument at all can be taken, either from diuine reuelation, or from any other reason or authoritie whatsoever, *which certainly and evidently is able to conuince and demonstrate*, that the aforesaid *Oath of Allegiance* can not be taken by any Catholike with a *probable*, and consequently with a *safe conscience*, or that those Catholikes, who doe take it are therefore to be excluded from the Societie of the faithfull, and right beleeuers, or not to be admitted to the participation of the holy Sacraments.



### The Conclusion.

**B**Ehold now (most holy Father) all the cheefest arguments, which are vsually alleaged, as well against the *Oath*, as in fauour thereof, by me faithfully and sincerely here laid downe: in the examining of which I intend to asseirme nothing of my owne opinion, but onely as representing the persons of them, who of set purpose doe publicly maintaine that the *Oath* either may lawfully, or may not lawfully be taken, leaning it to the fatherly care of your Holinesse, that when you haue benee fully informed of the whole

progresse of the matter, & haue diligently examined all the reasons, for which the English Catholikes obeying the Kings command, haue taken the Oath, you will be pleased particularly to approue them, or to condemne them; that the Catholikes in this so most waightie a matter, which doth so neerly concerne the prerogative of your spirituall authoritie, and of his Maiesties Royaltie, being fearfull to resist your Holinesse precept declared in your Breues, and also being desirous to obey, as much as with a safe conscience they may, his Maiesties command, may clearly perceiue, which particular clauses of the Oath they are bound to admit, and which they are bound to reiect, and may in plaine and expresse termes, without any ambiguitie of words be instructed by your Holinesse in what manner they may satisfie their owne conscience, your Holinesse will, and also his Maiesties desire, concerning all the particular parts of the Oath. For as they are very readie to hazard their whole temporall estate, and also to loose their liues for the Catholike faith, which by the Church (to whom this office belongeth to define matters of faith, and not to private Doctors, who may deceiue, and be deceiued) is declared to be truely the Catholike faith, so doublesse they are unwilling to expose themselves, and their whole family to eminent danger of their temporall utter ruine onely for opinions, although they be maintained by the greater & better part of Divines, so that others, although farre fewer in number, doe defend the contrary. But as they are desirous with all their hearts to obey your Holinesse in spirituall matters, and in those things which can not be omitted without sinne, so also they might iustly thinke themselves to be more hardly used, then childre are wont by their parents, if, especially in these times, wherein by reason of the Catholike faith, which they professe, they haue grievously incurred his Maiesties high displeasure, who is of a contrary Religion, they should without sufficient reason be forbidden to giue that temporall allegiance to his Maiestie, which by the Law of Christ they thinke to be due vnto him, hauing alwaies before their

*their eies that command of Christ our Saviour, Render to Cæsar, the things that are Cæsars, and to God the things that are Gods.*

Whatsoever I haue written in this Disputation, or else where, I humbly submit to the iudgment of the Catholike Romane Church, if there be any thing escaped mee through ignorance, which shee doth not approue, I doe disproue it, condemne it, and will not haue it for written.

ROGER WIDDRINGTON  
*an English Catholike.*

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AN APPENDIX TO  
THE FORMER DISPUTATION,  
WHEREIN ALL THE ARGUMENTS,  
which that most learned Diuine *Franciscus*  
*Suarez* hath lately in a Booke of his  
alleged against this *Oath of Alle-*  
*giance*, are sincerely related,  
and answered.

**I**T was my fortune (*Christian Reader*)  
not long after my *Latin Disputation of*  
*the Oath* was printed, to haue the view-  
ing of a certaine booke lately published  
by that most learned Schoole-Diuine  
*Franciscus Suarez* against his *Maie-*  
*sties Apologie for the Oath of Allegiance*<sup>a</sup>, wherein hee  
handleth this question of *the Oath* more largely, then  
any one man hitherto hath done before him. And al-  
though the arguments, which he bringeth to impugne  
*the Oath*, are in substance no other, then which I alrea-  
die in this *Disputation* haue alleged and answered, yet  
for that the onely noise, that such a famous learned  
man as *Suarez* is, hath written at large against the  
*Oath*, may perchance giue occasion to suspect, that this  
question of the *Oath* hath not beene by me sufficiently  
handled, and that I haue not exactly set downe all the  
reasons which can be objected against the same, I  
thought it necessary for the fully satisfying of all persons,  
to declare sincerely all the particular exceptions, which

<sup>a</sup>Entituled  
*defensio fidei*  
*Catholica, &c.*  
printed at Co-  
nimbria this  
yeare 1613.

hee hath taken against the *Oath*, that thereby it may clearly appeare to all men, vpon what grounds as well the impugnors as the fauourers of the *Oath* doe chiefly relye. And this *Appendix* I will deuide into two seuerall parts. In the *first* I will sincerely examine all the arguments, which *Suarez* bringeth to proue the *Popes* power to depose *Princes*, whereon all his particular exceptions against the *Oath* doe chiefly depend. In the *second* I will faithfully relate, and answer all the particular obiections, which hee bringeth to conuince, that the *Oath* is clearely vnlawfull.

## THE FIRST PART.

### Sect. I.

1. **F**irst therefore *Suarez* <sup>b</sup> doth in part rightly propound the true state of this present controuersie, which is, saith he, whether in this forme of the *Oath* prescribed by his Maiestie is onely demanded of the Subiects ciuill obedience, and the profession of supreme Kingly power in it degree and place, or whether besides Ciuill obedience also Ecclesiasticall obedience, and the *Popes* spirituall Primacie, is any way either expressly or covertly abjured? The defenders of the *Oath* doe affirme the first part, *Suarez* endeauoureth to confirme the second.

2. This indeed is the true state of the question, so that it bee not vnderstood, as I haue also heeretofore declared, of the *absolute proposition*, but onely of the *modall*, that is, whether it can be demonstrated by *invincible arguments*, to which no probable answer can be giuen, that in this *Oath* is abjured the *Popes* Primacie in spirituals, and more then ciuill obedience is comprehended? For no Catholike Diuine, as I suppose, will contend with *Suarez*, that hee can not bring some probable

<sup>b</sup> Lib. 6. cap. 1.  
nu. 8.

<sup>c</sup> In my Epistle  
to his Holines.  
nu. 2. 3. 4.



*bable arguments* to proue the *Oath* vnlawfull, and to containe more then Ciuill Obedience; but the onely intent of those, who defend the *Oath*, is to shew by *probable arguments and answeres*, that the reasons, which *Suarez*, or any other hitherto hath brought to proue, that the *Popes* spirituall Primacie, or any other vnlawfull thing is denyed in this *Oath*, are not so cleare, *euidēt and demonstratiue*, but that *probable answeres* may be made vnto them, and consequently that Catholikes may with a *probable*, and therefore with a *safe conscience* according to the doctrine of *Vasquez* before related take the same. And therefore I purposely said, that *Suarez* did in part propound the state of the question aright, vnderstanding of the *modall* and not of the *absolute proposition*, as I haue declared.

3. The true state of the controuerſie now beeing known, the chiefe & maine ground, whereon all *Suarez* his arguments against the *Oath* doe principally depend, is the *Popes* authoritie to depose *Princes*, and to dispose of all their temporals, of lands, goods, bodies & liues. But this question also concerning this so *absolute* and *unlimited* power of the *Pope* to dispose of the kingdoms and liues of *Princes*, and of all that is theirs, is in like manner to bee vnderstood onely of the *modall proposition*, to wit, whether there hath hitherto by *Suarez*, or any other been produced any authority, or reason so *invincible and demonstratiue*, to proue this doctrine to bee so *certaine*, and without all doubt, that without note especially of heresie, error, or also of temeritie, it can not be contradicted by any Catholike.

## Sect. II.

1 **T**HIS question concerning the *Popes* authority to depose and kill absolute *Princes*, *Suarez* handleth in the 23. chapter of his third book. And although to prooue this doctrine his onely grounds in substance are

are those reasons, and authorities which Cardinall *Belarmine* hath brought in his Controversies, and which haue already beene answered by my selfe, and since by *Mr. Iohn Barclay*, to which answeres *Suarez* maketh no reply, as though hee neuer had scene any such bookes, yet for the Readers satisfaction I will repeat them, and answer them againe, reseruing a more full and perfect answer for a more conuenient time.

2 First therefore *Suarez* supposeth,<sup>d</sup> that there is no Catholike Doctor, who euer denied this authority of the Pope to depose Princes, and to dispose of all their temporalls; which supposition of *Suarez* is very vntrue; for that it hath alwaies bene contradicted by some Catholikes, and I haue cited many, both ancient, and latter writers<sup>e</sup>, who haue impugned the same, and I also haue yeelded sufficient reasons<sup>f</sup>, why there be so many Catholikes of the one opinion, and so few of the other. And therefore that also which *Suarez* affirmeth, is very false, *that onely Marfilinus of Padua, and other enemies of the Church doe deny this temporall authority of the Pope.* For although *Marfilinus* was indeed of this opinion, as also he maintained almost all the cheefe points of Catholike Doctrine, which are not therefore to bee disallowed, because he did maintaine them, yet neither *Suarez*, nor any other can sufficiently prooue, that either *Marfilinus*, or his bookes were condemned by the Church, for defending this opinon. For hee also held many erroneous positions, for which his bookes deserved to be censured, as first, *that S. Peter was not head of the Apostles*,<sup>g</sup> Secondly, *that one Bishop was not superiour to another*,<sup>h</sup> Thirdly, *that Ecclesiasticall persons could not haue the property of temporall lands and linings*.<sup>i</sup> Fourthly, *that no Bishop, Priest, or particular community of them had authority alone to excommunicate any Prince, Province, or any other ciuill Community, or forbid them the vse of Diuine seruice, but this authority to excommunicate did belong to the vniuersity of the faithfull in that community*.<sup>k</sup>

3 Where-

<sup>d</sup> Lib 3 cap. 23. nu. 1.

<sup>e</sup> In my Apologie nu. 4. and some of them in this Disputation cap. 3. sect. 3 nu. 5 & c

<sup>f</sup> In the same place nu. 15.

<sup>g</sup> In defensorio part 2. cap. 15. 16. 22. et 28.

<sup>h</sup> Cap. 15. 16. et 22.

<sup>i</sup> Cap. 13. 14. for he did not deny that they might possesse lands although Casto and Prætorius doe impute the same to him.

<sup>k</sup> Cap. 6. et 26.

3 Wherefore that which *Suarez*<sup>1</sup> affirmeth citing *Azor*<sup>m</sup> in the margent, that *Marsilius* himselfe, as they say, durst not deny that the Pope had power to punish Kings and Princes especially heretikes by the Ecclesiasticall Censures of Excommunication, and also Interdict, but hee denied that the Pope could proceed against them any further, is very vntrue, and it plainly sheweth that neither *Suarez*, nor *Azor*, did read *Marsilius* himselfe, but were content to belceue what perchance they had reade in some other Author concerning *Marsilius* his doctrine. Neither doth *Aluarius Pelagius*, *Alphonsius de Castro*, or *Prateolus*, who relate *Marsilius* his errors, note this for one, that hee denied the Popes power to depose Princes, which is an euident signe, that they did not apprehend this doctrine for the Popes power to depose Princes, to be a point of faith, and the contrary to be hereticall, for if they had, they would doubtlesse haue noted it among *Marsilius* his errors for the defending wherof he chiefly wrote his booke to *Lewis* the fourth Emperour, whome *Pope Iohn* the 22. had deposed.

4. That also which *Suarez*<sup>n</sup> doth seeme to insinuate that onely the enemies of the Church denied this temporall authority of the Pope, is altogether false; for both the Kingdome of France, as *Petrus Pithams* witnesseth, held it cuer for certain concerning the King of France, and *Albericus de Roxiatio*, and *Ioannes Parisiensis*,<sup>p</sup> who is greatly commended by *Trithemius*, (both of them liuing about the time of *Marsilius* of Padua, in the raign of *Pope Iohn* the 22. and *Lewis* of Bavaria the fourth Emperour) did also hold the same opinion; and *Abbot Trithemius*,<sup>q</sup> whom all men haue hitherto accounted a learned and vertuous Catholicke, doth expressly affirme, that it is a controuersie among the Schoole men, and as yet the Iudge hath not decided the question whether the Pope hath power to depose the Emperour, or no. And very many Doctours, (as *Iohn Gerson*<sup>r</sup>, and *Iacobus Almainus*<sup>s</sup> both learned, and vertuous Catholickes doe relate,

<sup>1</sup> Lib. 3. cap. 23. nu. 9.

<sup>m</sup> Tom. 2 lib. 4 cap. 19.

<sup>n</sup> Lib. 3. cap. 23. nu. 1.

<sup>o</sup> See about c. 3 sec. 2. nu. 13. <sup>p</sup> In the same place nu. 1 & 7

<sup>q</sup> In the same place nu. 5.

<sup>r</sup> De potest. Eccles. considerat 4.

<sup>s</sup> De dominio naturali, ciu. et Eccles. in probatione. 2. conclusio.

late,) that the *Pope* by Christ his institution hath not so much as power to *imprison*, but onely to excommunicate or to inflict some such like spirituall censure, and not to adiudge any man to be deprived of his temporall goods or life, to be whipped, banished, or imprisoned, but when the Ecclesiasticall Iudge doth this, he doth it by the grant of Princes, as the *Cleargie* by the great deuotion of Princes hath receiued authority of temporall Iurisdiction, which Iurisdiction or censure is neuerthelesse called spirituall, as also the temporall goods of Ecclesiasticall persons are called spiritmall, because they are dedicated and applyed to them who serue the Church, as also the breads of proposition, the first fruits, the tithes, also the vessels of the temple, the vestments and such like were in the old law called sacred, or holy, so also the new law doth obserue the same. Thus *Ger- sen*.

2. Secondly, *Suarez* having sufficiently confirmed by Scriptures, and reason, that the Church and chiefe Pastour thereof, haue authoritie not onely to direct and command Princes in spirituall matters, but also to compell and punish them if they be disobedient at the least with spirituall punishments, for that otherwise Christ had not instituted his Church a perfect and sufficient Common-wealth, if hee had giuen her onely power to command, and not to punish them who should not obey her iust command, which doctrine for that it is approved by all Catholikes, no Catholike Diuine will contradict, hee now commeth to the maine point, and laboureth to proue that the *Popes* authoritie to punish rebellious Christians, is also extended to all temporall punishments which the *Pope* in his discretion shall thinke expedient. And all his arguments to proue this doctrine are drawne from three heads, 1. from the authoritie of holy Scriptures, 2. from the practise of the Church, 3. from naturall reason grounded vpon holy Scriptures, and the authoritie of the Church.

## Sett. III.

1. **T**WO principall texts of holy Scripture, which are commonly alleaged by the defenders of the Popes power to depose Princes, *Snarez* produceth to proue this doctrine to bee certainly true. The first place is that of *Saint Iohn*, *Feed my sheepe*. From whence he gathereth this argument.

p Nu.9.

*Our Saviour Christ hath given to Saint Peter, and his successors authoritie to correct, and punish all wicked Christians, even also Kings; who also are Christs sheepe, but this power to correct and punish he hath not limited to Ecclesiasticall censures, therefore it ought not to be limited by us, or any Prince of the Church, but it belongeth to the Pope to appoint, and determine the punishment, as occasion, and necessitie shall require.*

The *Maior* proposition hath before in the same chapter beene by *Snarez* sufficiently proued. The *Minor* he proueth thus, *For the words of Christ, Feede my sheepe are indefinite, therefore, for as much as the power to correct and punish which is necessary in every shepheard is included in that word [Feede,] that power to correct is not determined to Censures, but it is left to be determined to this or that punishment, by prudence and equitie. For every Shepheard hath power to correct his sheepe, not according to any determinate manner in generall, but as it shall be convenient and expedient for the sheepe.*

2. To this Obiection I haue at large answered in my Apologie, it beeing the selfe same argument which *Cardinall Ballarmine* vrged in the very like manner. But before I doe here set downe againe the answer, which there I gaue, I doe earnestly request, and coniure *Snarez*, as he shall answer at the day of iudgement for his doctrine and all his actions, that if hee be pleased to reply to that which I haue heere written against his reasons, he will sincerely, vnfainedly, and without any

<sup>u</sup> Lib. 6. c. 3. nu.  
10.

equiuocation, or mentall reseruatiō declare vnto vs two things. The *first*, whether in his conscience hee be certainly perswaded, that both himselfe and all other Catholikes are bound vnder paine of heresie, or errour, from which by no probable reasons which can moue them to the contrary they can bee excused, to beleue that this text of holy Scripture, or any other doth euidently conuince the Popes power to depose Princes: the *second*, whether with the same certainty al catholikes are bound to beleue, & embrace this doctrine which *Suarez* affirmeth <sup>u</sup> *to be true and certaine*, that the *Pope* hath also authority to kill Kings, and to giue leaue to others to kill them. For his reason out of this place of holy Scripture is indifferēt both to deposing & killing, because Christ did not limit that power, which hee gaue to the *Pope* to correct and chastise, rather to deposing then to killing, but hee left it to the *Pope* to appoint, and determine it according to prudence and equitie, as occasion and necessitie should require. Yea and that example of *Ananias* and *Saphira* which *Suarez* bringeth a litle beneath, doth proue more strongly his authority to kill, as Saint *Peter* did *Ananias*, then to depose.

3. To the argument therefore I grant, that Christ by these words, *Feede my sheepe*, did appoint S. *Peter* to be the spirituall Pastour of his Church, which is his mysticall bodie, and not a temporall, but a spirituall Common-wealth, and consequently hee gaue him all spirituall power, which is sufficient and necessary for the gouernement of this spirituall Common-wealth, and this is all that can bee directly and clearely inferred from this place; but what authoritie is spirituall, and what temporall, what spirituall authoritie to punish is necessary and sufficient for the gouerning of a spirituall common-wealth, and whether it be limited to inflict onely spirituall punishments according to the nature of a spirituall Common-wealth, ( for that every  
Com-



common-wealth of her owne nature hath authoritie to punish her subiects offending, by depriving them of the goods and priuiledges of that Common-wealth) or it is also extended to deposing, killing, and all other temporall punishments, can not bee sufficiently gathered from these words, *Feede my sheepe*, but it must be deduced from some other discourse grounded vpon reason or other authorities.

4. My opinion is, that by no humane discourse grounded either vpon reason or authoritie, it can clearly and evidently be *demonstrated* by any *innuincible argument*, to which no *probable answer* can be giuen, that this sufficient Pastorall authoritie to gouerne the mysticall body of Christ doth by his institution extend to deposing, killing or inflicting temporall punishments by way of correction, but onely to Ecclesiasticall and spirituall censures, which are more agreeable to the nature, qualitie and condition of a spirituall common-wealth. And this I did probably proue in my Apologie two manner of waies, first positiuely by alleaging certaine *probable reasons and authorities*, which might sufficiently perswade any man to thinke this opinion to be *probable*, and then *negatiuely* by alleaging *probable answeres* to all the arguments, which Cardinall Bellarmine brought to proue the contrarie. Neither hath D. Schulckenius, howsoeuer to the world he would seeme to make a shew, so *innuincibly* impugned either my reasons or answeres, but that as yet they remaine *probable*, as heereafter, God willing, I will sufficiently make manifest. By this thou maiest perceiue (*courteous Reader*) that albeit our Aduersaries doe cry out against vs, that we denying this authoritie of the Pope to depose Princes, doe contradict the words of our Sauour, *Feede my sheepe*, yet in very deed we embrace the holy Scriptures, as also the Sacred Councils and Doctrine of the Catholike Church with as much reuerence, speaking with all dutifull respect, as they doe, but we onely contradict

\* Num. 239. &  
1c9.

as forthwith thou shalt better vnderstand, the *uncertaine inferences and collections*, which they out of holy Scripture endeaour to conclude.

5. First therefore in my Apologie *I answered*, that Christ by those words [*Feed my sheepe*] gave to *S. Peter*, and his successours all sufficient Pastorall authoritie to feede, correct and punish his sheepe, and to gouerne the Church which hee instituted a spirituall and not a temporall Comon-wealth. But considering that neither by these words, *feed my sheepe*, nor by any words of holy Scripture, our Sauour Christ did in expresse termes extend this Pastorall authoritie of Saint Peter to punish with temporall punishments, which doe belong to a temporall Common-wealth, he did in the very instituting of the Church, which he made a spirituall, and not a temporall common-wealth, and in the appointing of Saint Peter to be a spirituall and not a temporall Pastour or gouernour thereof, limit his spirituall authoritie to spirituall censures and punishments, which are agreeable to the nature, qualitie and condition of a spirituall common-wealth. Neither is that true which *Suarez* affirmeth in the end of his argument, *that every Shepheard hath power to correct his sheepe, not according to any determinate manner in generall, but as it shall be conuenient or expedient for the sheepe*. For inferiour or vnder Shepheards haue no more authoritie, then it pleaseth the chiefe Shepheard to grant vnto them, as reason and experience doe plainly shew. And by this assertion of *Suarez*, it would follow that Kings and Princes, who are appointed by God to be Shepheards of men in temporall causes, had power to correct their sheepe with spirituall punishments, *if according to no determinate manner in generall their power to punish were limited*: and so *Suarez* bringeth a prettie argument to proue the spirituall supremacie of all Christian Kings ouer their christian Subiects.

6. There bee therefore two kinds of *Shepheards*, which

which doe governe vnreasonable sheepe, as I obserued in that place, the one who are meeke *Sheepheards* and not *Lords* or *owners* of the sheepe, as *Iacob*, who fed his father in law *Labans* sheepe, the other who bee both *Sheepheards* and also *Lords* of the sheepe they feede, as was *Abraham* and *Lot*. Betwixt these two *Sheepheards* there is this difference, that the second kinde of *Sheepheards* haue an absolute and vnlimited power ouer their sheepe, that if either they goe astray, or bee scabbed, or any way troublesome to the flocke, they may either pin them vp, or if they will, punish them otherwise, or also kill them, but this vnlimited power to punish the sheepe, these *Sheepheards* haue not meere as they are *Sheepheards*, but as the *Lords* and *owners* of the sheepe. But the second kinde of *Sheepheards* haue indeede authoritie giuen them to feede and governe the sheepe, but not in so absolute and ample a manner as the others haue. For it is their office to feede the sheepe and to keepe them in good order, and consequently to prouide them good and wholesome pasture, if they goe astray, to recall them with their voice, with their staffe, with their dogges; if they be infected with the scabbe, or haue taken any other contagious disease, to shut them vp and seuer them from the rest, to cure them as conueniently as they may; and lastly to defend them from wolues, and all other deuouring beasts. But to kill the sheepe, if they offend, or any other way to punish them for any fault past, as it is past, they can not without the *owners* leaue. Now when the *Pope* is resembled to a *Sheepheard* of vnreasonable sheepe, this comparison, for as much as concerneth the killing of his sheepe, or otherwise punishing them with temporall punishments, is to be applied to the first kinde of *Sheepheards*.

7 For God almighty, the chiefe *Sheepheard* and *Lord* of all, both vnreasonable, and reasonable sheepe, hath appointed vnder him here in earth two sorts of *Sheepheards*,

7 Genes. ca. 29.

2. Gen. 13.

1 Paralip. 11.

Isai. 44.

a Cap. inter

hæc. 33. q. 2.

b 2. q. 7. c. 21

Nos 1.

c In epist. ad

Firminum Dia-  
conum.

heards, or *Governours* of all mortall men, the one a temporall *Shepherd*, who in matters meerely temporall, and as they tend to the outward preserving of temporall peace, are subiect to no other *Shepherd*, or *Superiour* in earth, and who have supream power to direct, command, and punish all their sheepe who shall offend and breake their iust command by meanes of the temporall sword, or which is all one, with temporall punishments, for that these are agreeable to the nature, quality, and condition of a temporall common-wealth. Whereupon God said to King *Dauid*, *Thou shalt feede my people Israel, and thou shalt be a Prince over them.* And of King *Cyrus* God almighty. saide, *I say vnto Cyrus, Thou art my Shepherd*: The other, a spirituall *Shepherd*, or *Governour*, to whom he hath given supream authority to direct, command, and punish in all spirituall matters, and as they tend to the eternall saluation of soules, and to punish all his sheepe, even *Kings*, and *Princes*, who transgresse his iust command with spirituall punishments, for that these are agreeable to the nature, quality, and condition of a spirituall common-wealth: Neither can it bee prooued by *invincible arguments*, that this mysticall body of Christ, which is a spiritual Commō-wealth, hath by his institution, authority to punish by way of correction with temporall punishments. but y<sup>e</sup> excommunication, or some such like spirituall censure or punishment is the last which an Ecclesiasticall Iudge by Christ his institution can inflict. as out of *Io. Gerson*, & *Iacobus Almainus* I shewed a little before; Whereupō *Pope Nicolaus* a affirmeth *that the Church of God hath no other sword then spirituall*: And *Gratian* b the compiler of the greatest part of the Canon lawes, which is called the Decree, *it belongeth* (saith hee) *to Kings to inflict a corporall punishment, and to Priests a spirituall*: and *Petrus Dimianus*, c who liued when *Pope Gregorie* the sequenth, was Cardinall, affirmeth *that the Kingdome and the Priesthood are so distinguished by their proper and pe-*

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culiar offices, that a King may use wordlie weapons, and a Priest is girded with a spirituall sword; and therefore very well said S. Austin, <sup>d</sup>that in the Church of Christ the visible sword was to cease, and excellently S. Chrysostome, <sup>e</sup> It is the office of a Priest onely to reprove, and to give a free admonition, not to raise armes, not to use targets, not to shake a lance, nor to shoot arrowes, nor to cast darts, but onely to reprove, and to give a free admonition. And although vnder this word (*reprove*) be contained all Priestlike sort of reprooving, as is to use Ecclesiasticall censures, yet temporall coercions are expressly by S. Chrysostome denied to belong to the function of a Priest. And if it doe not becomme Ecclesiasticall mildnesse to use corporall weapons, for so Cardinall Bellarmine, Schulkenius, and Suarez doe answere to such like places, affirming that Priests doe not use such weapons, not for that they have not power to use them by Christ his institution; but for that it is undecent, and therefore forbidden by the positive Law of the Church, how can these Authors cleerely demonstrate that Christ gaue them such an authority which to exercise is not conuenient or doth not becomme their function?

8 Secondly, in the same place I did obserue, that betwixt vnreasonable, and reasonable sheepe there is this difference, that vnreasonable sheepe have no weapons whereby they may defend themselves from rauening wolues, nor any outward remedy to cure themselves of any disease, but all their safety relyeth onely vpon the Shepherds care and industry, but Christian soules, which are the sheepe of the spirituall flocke of Christ, haue spirituall weapons, whereby they may fight and defend themselves against all the assaults of their enemies, and they haue spirituall remedies to cure themselves of all diseases, yea they cannot bee wounded or diseased vnlesse they themselves be willing thereunto. And from hence I gathered, that in a spirituall Pastour, there is not necessary so great a power to gouerne his

<sup>d</sup> In lib. de fide,  
et operib. c. 2.  
<sup>e</sup> Homil. 4. de  
verbis Ihs.

¶ Lib. 2. de Sac-  
cerdotio an-  
te medium.

sheepe, onely for the saluation of their soules, which is the chiefe end of his authority, (seeing that they cannot be hurt vnlesse they will, and if they will, they may cure themselves with spirituall medicines which God hath appointed in his Church,) as is necessary in an ordinary Sheepeheard to gouerne vnreasonable sheepe, whose safety doth chiefly, and almost onely depend vpon his care and diligence. And this distinction betwixt an ordinary Sheepeheard of sheepe, and of soules, Saint Chrysostome doth well obserue. *¶ It is not lawfull, saith he, to cure men with so great an authority, as a Sheepeheard doth cure his sheepe. For heere it is free to bind, to keepe from pasture, to burne, and to cut, whereas there the power to take the medicine and to be cured doth not consist in him who applyeth the medicine, but in him onely who is diseased.*

9 And afterwards hee declareth the difference betwixt a Secular Magistrate, and a Pastor of soules: Secular Iudges saith he, when they doe finde wicked men to haue offended against the Lawes, doe shew themselves to be indued with great authority and power, and doe constrain the same offenders, yea although they bee vnwilling, to change their manners; but heere thou must onely counsell not enforce, and by this way make him better whom thou takest vpon thee to correct, for there is not so great a power given to vs by the lawes to constrain sinners. And this distinction of S. Chrysostom betwixt a Sheepeheard of vnreasonable, and reasonable sheepe, and betwixt a Bishop and a Secular Magistrate, also Cardinall Bellarmine doth approue. For the former, saith he, *¶ being exercised about naturall diseases of sheepe can cure his sheepe although they will not, but this later being exercised about voluntarie diseases of sheepe cannot cure his sheepe vnlesse they will, and therefore this later hath a harder charge then the former. And likewise I say of the Secular power. For a Secular Iudge is exercised about outward actions, and therefore he can constrain a man, although he be vnwilling, to change his manners, so wit, outward, but a Bishop is exercised a-*  
*bout*

¶ Lib. 4. de Rō.  
pont. cap. 21.



bout inward manners, which cannot bee changed against the will of him who bath them. For although a Bishop can excommunicate, and inflict other punishments, <sup>h</sup> yet they will profit nothing, unlesse hee will that is punished. And so I understand those words of Saint Chrysostome [for there is not so great a power giuen to vs by the lawes to constrain sinners.] For a Bishop hath not power to constrain a man to change his minde, as a Iudge hath to constrain a man to change his outward manners. Thus Cardinal Bellarmine. From whence we may gather a reason of y<sup>e</sup> saying of S. Chrysostome before related, to wit, that it is not the office of Priests to raise armes, &c. but only to reprove, for that there is not required in a Bishop or spirituall pastour so great an authority ouer his sheepe, whom he cannot compell against their wills to change their inward manners, which is the chiefe end of a spirituall Pastor, as in a Secular Iudge who can compell his Subjects to change against their wills, their euill outward manners, which is the chiefe end, & intent of a Secular Magistrate. And therefore from hence wee may well conclude against the last part of Suarez argument, that a spirituall Pastor hath power to correct his sheepe in that manner, as shall be conuenient, and expedient for the sheepe, but yet determined, and limited to the nature, quality, and condition of a spiritual flock, whereof he is appointed by Christ to be a spirituall, and not a temporall Pastor.

### SECT. IIIL.

**T**He second place of holy Scripture, which Suarez alleageth to proue the Popes authority to depose of the kingdomes, and liues of Princes, is that text so often inculcated, *Whatsoever thou shalt bind in earth, shall be bound in heauen, and whatsoever thou shalt loose in earth it shall bee loosed also in heauen*, Matth. 16. from which words Suarez gathereth the same authority in this manner. For those words (saith he) are generall

<sup>h</sup> If hee meane spirituall punishments wee agree, it temporall it is the thing which is new in controuersie.

<sup>i</sup> Nu. 11.

and indifferent, and therefore they ought not to bee limited by vs. And if any one should say, that Mat. 18. they were declared, and determined to the bond of censures by those words: And if he wil not heare them, tell the Church, & if he will not feare the Church, let him be to thee as the Heathen, and the publicane, Amen I say vnto you, what things soeuer you shall bind vpon earth, &c. *We answere,* that it was there declared, that in that general power to bind was included the bond of excommunication, but that power was not limited only to impose that punishment, both because no such limitation can be gathered from that text, as also because although there be made mention in that place onely of Excommunication, neuertheless other censures are comprehended vnder it, as interditt, suspension, and also other Ecclesiasticall punishments: yea also the bond of precepts, and Lawes are included in that power, and by vertue of those words, that power as it is a directing, or commanding power is not determined to this or that manner of directing, or commanding, which bindeth in this or that manner by a personal command, or a permanent Law, but doth without limitation comprehend all convenient directing, or commanding, therefore the same is to be understood of the coercive, or chastising power. And so Pope Innocent the fourth with the Conncell of Lyons doth out of this text of Scripture gather this power to depose Princes. Thus Suarez.

2. To this text of holy Scripture I haue also answered heretofore both in this Disputation, <sup>k</sup> and in my Apologie, <sup>l</sup> that it is to bee vnderstood of spirituall binding and loosing, to which it is limited both by the nature and condition of the Church it selfe, which by Christ his institution is a spirituall Common-wealth, & also by the former words [I will giue thee the keyes] not of an earthly kingdome, but of the kingdome of Heauen; And also Suarez <sup>m</sup> himselfe by those words [that be bound in heauen] gathereth this power to be supernaturall, not naturall, and that bond to be spirituall and of an higher degree. And whereas Suarez doth vrge, that the Ecclesiasticall power

<sup>k</sup> Cap. 6. sec. 1.  
nu. 4. et sec. 2.  
nu. 3. &c.

<sup>l</sup> Nu. 35. et seq.

<sup>m</sup> Tom. 5. disp.  
1: sec. 1. nu. 3.

power as it is direction, or commanding, is not determined to this, or that manner of direction, or commanding, which bindeth in this or that manner by a personall command, or a permanent law, but doth comprehend all convenient direction, therefore the same is to be understood of the coercive, or chastising power. We answer first, that as the commanding power of the Church is not limited to a personall, or permanent command; so also the coercive power to punish is not limited to a personall, or permanent coercion or punishment, for, as daily experience teacheth, the Pope may either as it were personally inflict an Ecclesiastical censure, or which shall continue for ever, and be permanent as a Law; and in this manner the similitude betwixt the not limiting of direction, and chastising is good.

3 Secondly, if that assertion of *Snarez* be so understood, that as the Ecclesiastical, or spirituall power to command is not limited to any certaine manner of commanding, so that it be convenient, and befitting the nature and condition of an Ecclesiastical or spirituall body, or society, so also the Ecclesiastical power of punishing is not limited to any certaine manner of punishing so that it be convenient and befitting the nature and condition of an Ecclesiastical or spirituall body, or Society, we also grant his comparison. But then we affirme, that as temporal coercion or punishing is onely convenient, and proper to a temporall body or Society, so also onely spirituall or Ecclesiastical punishments or censures are convenient and befitting a spirituall, or Ecclesiastical body or society, as out of many Catholike Authors we have shewed but a little before.

4 Wherefore there is a great difference to be observed betwixt the power to command, and to punish. For the Ecclesiastical power to command is as it were unlimited, and may be extended to all things both spirituall, and also temporall, but not as they are temporal, but as

in regard of the vertue or sinne therein contained they become spirituall: because the obieſt of the Eccleſiaſtical directiue or commanding power is vertue, or vice, which may bee found in all things whatſoeuer as well temporall as spirituall: and ſo the Eccleſiaſtical power forbidding a temporall thing as it is a ſinne, doth not doe any thing, which is not beſeeming the nature and condition of a spirituall body or Society. but the depriving one of temporall lands, goods, liberty, or life are alwaies temporall puniſhments for what crime ſoeuer, either spirituall or temporall they be inſlicted, and therefore are not convenient or beſeeming the nature and condition of a spirituall common-wealth, as I haue ſhewed before.

5 And this diſtinction betwixt the commanding & chaſtiſing power doth evidently appeare in the Ciuill Common-wealth, which hauing for the obieſt of her directiue or commanding power publike peace, and publike diſquietnes, as the Eccleſiaſtical hath vertue & vice, may forbid al things euen Eccleſiaſtical matters as they are truly manifeſt wrongs to the Ciuill ſociety, and vniuſt hinderances to the publike peace, for that theſe vniuſt oppreſſions although principally and of themſelues are spirituall, yet ſecondarily and by accident they are temporall wrongs, and in that regard may bee puniſhed by the Ciuill Magiſtrate, not with spirituall, but with temporall puniſhments, as before in this Diſputation. I haue ſhewed out of thoſe two moſt famous Dominicks, *Sotus* and *Bannes*, both of them moſt learned profeſſours in Diuinity in the Vniuerſity of *Salamanca*, and both of them Religious men of the renowned order of *S. Dominicke*. Whereby we may perceiue that this manner of arguing, which *Suarez* vſeth in comparing the directiue power with the correctiue is not allowable, for otherwiſe wee might in like manner conclude, that as the Ciuill power to command is not ſo limited, but that it may ſometimes bee extended to

Eccle-

Ecclesiasticall and spirituall matters, so also the ciuill power to punish is not so limited, but that it may sometimes be extended to punish with Ecclesiasticall and spirituall punishments.

6. Now concerning that which *Suarez* in the end of this argument affirmeth, that *Pope Innocent* the fourth with the Councell of *Lyons* did out of this text gather the Popes power to depose Princes, we haue also answered heretofore; first, that the deposing of *Frederike* the Emperour was not done by the Councell of *Lyons*, but in the Councell, or rather in the presence of the Councell, but without the Councells consent: which we probably deduced from the very title of the *Popes Bull* wherein *Frederike* was deposed; which is this: *Innocentius Bishop Seruant of Seruants, &c. the sacred Councell being present to the perpetuall memorie heereof.* And then beginneth the Bull, wherein this text of Scripture *Whatsoeuer thou shalt loose &c.* is alleaged. For it is not vsuall, or scarce euer seene in any generall Councell, that when the Councell decreeth any thing, those words are vsed. *The sacred Councell being present, but the sacred Councell approving.* And doubtlesse *Pope Innocent* being so notable a wise man as he was, and desiring to giue satisfaction to the whole Christian World for deposing such a potent Emperor as *Frederike* was, whereby great dissensions throughout all Christendome were like to arise, as indeede they did, in so much that *Pope Innocent* was wearie of his life, and wished that he had neuer thought of deposing him, if the whole Councell had approued that deposition, he would not only haue said, *The sacred Councell being present, but, the Sacred Councell approving,* as in all other decrees when the whole Councell decreeth any thing it is vsually said, especially seeing that immediadly after in the very next decree this latter manner of speech is vsed, which argueth a greate diuersitie in the making of these two decrees. Neither can *Suarez* in my opinion demonstrate, that

In my Apologie nu. 251. &c.

9 Trithemius in Chronico Monasterij Hirsaugiensis ad annu 1244.

that this answer which I have given is not *probable*, for I will not deny, but hee may bring *probable* reasons to prove that the aforesaid deposing of *Frederike* was done by the consent of the whole Councell, but that is not sufficient, we expect from him *esident demonstrations*, otherwise he will never prove his opinion to be certain. I added also another coniecture, which was, that the aforesaid sentence of deposition was denounced not without astonishment of all the hearers and standers by, as it is related in the Councils, but there was not such great cause why all the Fathers of the Councell hearing that sentence should be astonished, if before they had given their assent thereunto.

7 *Secondly*, how farre the reasons not only of Popes, but also of generall Councils, which they alleadge for any decree can binde, wee have shewed before in this Disputation<sup>r</sup>. *Thirdly*, if wee should grant to *Suarez*, that not only the *Pope* but also the Councell did hold it as a farre more probable opinion that the Church hath power to depose Princes, and thereupon did proceede in giving that sentence, but that they did not hold it as a matter of faith, *Suarez* wil never be able in my iudgmēt with *inuincible arguments* to demonstrate the contrarie.

8 *Lastly*, as that <sup>r</sup> *what thing soener thou shalt loose &c.* was spoken to Saint *Peter*, and his Successours, so also that <sup>r</sup> *what things soener you shall loose &c.* was spoken to the rest of the Apostles and to their Successours, and so not only the *Pope*, but also all Bishops haue by Christ his institution power to depriue Princes of their Dominions, and liues, which whether it be conuenient to affirme, I remit to the iudgement of the discrete Reader: And that very same reason, which *Almaine*<sup>u</sup> bringeth to prove that there is some likelihood that Christ gaue not to the *Pope* that vnlimited power, may with farre greater reason be applyed to other Bishops, for that, saith he, *it would be an occasion, that the Pope by reason of this power would bee puffed up with very great pride*

<sup>r</sup> Cap. 6. sec. 3.  
nu. 23.

<sup>r</sup> Matth. 16.

<sup>r</sup> Matth. 18.

<sup>u</sup> De pot: st.  
Eccles et Lai-  
ca q. 1. ca. 9.



pride, and that fulnesse of power would be very hurtfull to the Subiects, therefore it would be hurtfull both to the Pope, and to the Subiects, and therefore it is not like, that Christ did give him such a power.

## Sect. V.

**I** Hirdly, *Suarez* \* proueth out of holy Scripture this vnlimited power of the Pope to punish with all sorts of punishments, euen death it selfe, by two particular facts of Saint Peter, and Saint Paul, wherein, saith he, this authority is imperfectly as it were in a shadow signified. For at Saint Peters reprehension Ananias †, and his wife were slaine, and Saint Paul ‡ did not only excommunicate the fornicator, but also did deliuer him to Satban for the destruction of the flesh, that the spirit may be saued in the day of our Lord Iesus Christ. For these words [for the destruction of the flesh] doe cleerely shew, that besides the spirituall censure he was also punished with some corporal vexation, and constrained to do penance that his soule might be saued, as the Fathers, Chrysostome, Theophylactus, Anselme, Pacianus, Ambrose do expound that place. Therefore according to the exposition of the Fathers wee gather out of that place, that Ecclesiasticall correction and punishment doth consist not only in spirituall, but sometimes also in corporall punishing, and therefore that the Pastours of the Church may use temporall punishment in order to spirituall good.

2 To this obiection wee answere, that those particular facts of Saint Peter, and Saint Paul did belong to an extraordinarie power to doe miracles, which was personally granted to the Apostles, and did not descend to all their Successours, and therefore they can not bee rightly applyed to proue the Popes ordinarie power to kill, or depose. And so the ancient Fathers affirme, that it was necessarie that the Apostles should in the first planting of the Church haue authoritie to doe miracles,

Rr

that

\* Nu. 12.

† Act. 5.

‡ I. Cor. 5.

that thereby the Christians, and Christian faith might be had in greater reverence. Therefore wee deny this consequence, *Saint Peter and Saint Paul* did by an extraordinary Apostolicall power punish offenders with death, and other corporall afflictions and so the Fathers affirme, therefore their Successours may by an ordinary power inflict the like punishments. I omit that it is not certaine that *Ananias* was slaine by *Saint Peter*, as *Lorinus* vpon that place declareth but immediatly by God, or an Angel, or with a great passion of griefe being stricken died suddenly as *Saint Gregorie* insinuateth. And thus much concerning the arguments, which *Suarez* bringeth from the authority of holy Scripture.

## Sect. VI.

<sup>a</sup>Nu. 14. 15. 16.

<sup>b</sup> Nu. 308. &  
seq.

**T**He second head, from which *Suarez* <sup>a</sup> bringeth a forcible argumēt in his opinion to proue this Doctrine concerning the Popes power to depose, is the practise, as he saith, of the Church. And to this purpose hee setteth downe almost all those facts of Popes, who haue deposed Kings, and Emperours, which in my *Apologie* <sup>b</sup> I haue rehearsed, and answered. And all these and the like, saith he. were not done privately, nor in corners, but some of them in most frequent Councells, and sometimes in a Generall Councell as in that of Lyons, and in the sight of the whole Christian world by whom they were approved, and put in execution, therefore it is incredible, that they should be actions of an usurped, and not of a true authoritie. To these may be added that the Councell of Lateran under Pope Innocent the third supposed this power saying *Si Dominus temporalis &c.* If a temporall Lord &c. From all which this argument is concluded.

2 The Vniuersall Church can not erre in those things, which appertaine to faith, and manners, but the Vniuersall Church did consent to these facts, and did approve them as agreeable to the Law of God and nature, and likewise doth approve

approve the Canons imposing such punishments upon temporal Princes for enormous crimes, and obstinacie in them, and especially in heresie, therefore it is as certaine, that the Pope hath power to chastise and punish temporall Princes with these kind of punishments, as it is certaine, that the Church can not erre in faith and manners. Thus Suarez.

3. To this Obiection I haue also heerebefore answered in these words: that none of all those examples doe proue that, wherein the principall controuersie doth consist, to wit, that the Pope by Christ his institution hath authoritie to depose Princes, and to dispose of all their temporalls, but at the most they do shew, that the Popes haue actually depriued Kings and Emperours of their Crownes, but that they did it by rightfull power and authoritie, none of those examples doe proue. And therefore the same Answer may bee giuen to those examples of Popes, which Cardinall Bellarmine giueth to a certaine argument, wherein it was objected, that Christian Emperours haue oftentimes iudged Popes, and deposed them. I answer, saith Cardinall Bellarmine <sup>d</sup>, that in deed these things were done, but by what right, let them looke to it. And a litle beneath, It is sufficiently knowne, saith he, that Pope Iohn the twelfth was deposed by the Emperour Otho the first upon good zeale, but not according to knowledge, for this Iohn of all the Popes, was the very worst: And therefore no meruaile if a pious Emperour as was Otho, but not skilfull in Ecclesiasticall matters did iudge that hee might be deposed, especially seeing that many Doctors were of that opinion.

4. In the very like manner it may be answered, that certaine Popes depriued Princes of their dominions, translated Emperours, and disposed of the temporals of Christians, but by what right let them looke vnto it. For we must not draw arguments, saith Ioannes Parisiensis, from such particular facts, which sometimes are done upon deuotion to the Church, or for some other

<sup>c</sup> In my Apologie nu. 442. & seq.

<sup>d</sup> Lib. 2. de Rem. Pont. ca. 30. ad 4<sup>m</sup>.

<sup>e</sup> De potest Regia, & Papali cap. 5. ad 5.

f Lib. 26. de  
Repub. cop. 5  
nu. 11.

g In responsa ad  
Apologiam pro  
Iuramento  
pag. 126. Edit  
alijera.

"*cause, and not by right of law.* And Gregorius Tholo-  
"sanus<sup>f</sup>, after hee had repeated many examples of  
"Popes, who deposed Princes, writeth thus: *From*  
"these that onely I doe gather now, that it is a hard que-  
"stion whether Popes have power to depose an Emperour, or  
"King, who once had power to create the Pope. Yea and  
"there are found many deposings of Popes by the Empe-  
"rours, no lesse then deposings of Emperours, by the Pope  
"so that a very great interchangeable course is found in  
"these. Whereupon it is ill to dispute of facts and examples  
"of depositions. And a litle beneath, By all which, saith  
"he, the ambitious changers of Common-wealths, and the  
"usurpers of Kingdomes, and Rebels to lawfull Princes  
"may gather first, that not enery deposing of Princes is  
"iust, for that it is actually done, for all facts are not iust;  
"secondly, that from hence must not be made a consequence,  
"that by that example the like is to be attempted. For it  
"is one thing, saith Cardinall Bellarmine g, to relate the  
"facts of Kings, I also may adde of Popes, and another  
"thing to proue their authoritie and power. Neither is it  
"to be meruailed, that some Popes partly moued with  
"zeale, partly with probable reasons, and partly inci-  
"ted by the perswasions of some, who were of their  
"counsaile, did iudge, that they had such a temporall  
"power in order to spirituall good, especially seeing  
"that very many Doctours were of that opinion. Thus  
"I answered in my *Apologie*.

5. I grant therefore, that these facts were not done  
rashly, but aduisedly; not in corners, but in the face  
of the whole Christian world, and that therefore it is  
incredible, but that those Popes did probably thinke  
that they did them not by an vsurped, but by a true au-  
thoritie; but that they were done by a true authoritie,  
which not onely in opinion, but also in very deed was  
true, these facts, although neuer so publikely done, doe  
not sufficiently demonstrate. Neuerthelesse, that which  
Suarez affirmeth, is vntrue, to wit, that these facts or de-  
posi-

positions were approved and put in execution by the whole Christian world: For if wee runne over the Stories of former times, from the time of *Henry* the fourth Emperour, who was the first Emperour that was ever deposed by the *Pope*, we shall finde that they haue alwaies been contradicted by many Catholikes.

6. And besides the authorities of those Catholike Doctours, which I haue brought in my *Apologie*, and some of them I haue before <sup>h</sup> related, who holde that the *Pope* by Christ his institution hath no such authoritie to dispose of temporals, and to inflict temporall punishments by way of coercion, if that deposition of *Frederick* the second, which was done in the presence of the Council of *Lyons*, had been approved by the whole Christian world, it is not likely, that *Frederike* could haue been able against the whole Christian world, to bring the *Pope*, and his Dominions into so great extremities. *Frederike* saith, *Trithemius* <sup>i</sup>, after he was deposed, came into *Italie*, and did afflict the *Pope*, and the people subiect to him, with so great evils, that the *Pope* was weary of his life, and wished, that he had neuer thought of deposing him. Read also *Otho Frisingensis* <sup>k</sup>, who relateth the great miseries that *Pope Gregorie* the seventh suffered by the potencie of *Henry* the fourth, whom he had deposed. It is true that the *Popes* do commonly, not to say alwaies, when they depose any Prince, ioyne deposition with Excommunication, and so the second may be approved by the whole christian world without approving the first: whereupon I haue elsewhere <sup>\*</sup> observed against *Cardinall Boilarmine*, that the Excommunication of *Henry* the fourth Emperour was approved by many Prouinciall *Romane* Councils, which neuertheless make no mention at all of his deposition.

7. To the Council of *Lateran*, whose authoritie *Suares* <sup>re</sup> alleageth, I haue heretofore <sup>l</sup> sufficiently answered, as also to the reason which from all these authorities he concludeth, which almost in the same words, but more largely

<sup>h</sup> Nu. 4. et. seq.

<sup>i</sup> In Chroicoe Monast. Herfang. ad annū 1144.

<sup>k</sup> Lib. 6. cap. 36.

<sup>\*</sup> In the preface to my *Apologet. Answer* nu. 34.

<sup>l</sup> In the preface to my *Apologetical answer* nu. 43. et seq. see <sup>n</sup> beneath.

largely was before vrged by *Lessius*, and therefore I re-  
mit the Reader therunto. And truly it seemeth strange  
to me, that this authority of the Councell of *Laterane*  
should now of late be accounted so strong an argu-  
ment, which Cardinal *Bellarmino* in his Controversies  
cleane omitting, whereas so many facts of *Popes* hee  
particularly relateth, seemed then to make litle recko-  
ning thereof. Wherefore seeing that the *Pope* is not  
the Church, but a principall member thereof, there is  
to be made a great distinction betweene the facts and  
practise of *Popes*, and betweene the facts and practise of  
the Church, neither is the practise of many *Popes* to bee  
accounted the practise of the Church, vnlesse by the  
whole Church it bee receiued, as that opinion of the  
*Popes* power to depose Princes, and to inflict temporall  
punishments by way of coercion neuer was, and therefore  
that argument which *Suarez* saith, is drawn from the  
practise of the Church, considering that this practise  
was neuer approued by the whole Church, is of litle  
worth, and may rather be brought to scarre simple peo-  
ple, then to perswade any prudent or learned man. And  
whereas *Suarez* affirmeth in the end of his argument,  
that the vniuersall Church doth approue the Canons  
imposing such temporall punishments vpon Princes,  
for enormous crimes and obstinacie in them, especially  
in heresie, those Canons which are commonly vrged  
for this purpose are those three, *Nos sanctorum*, *In-*  
*ratos*, *Absolutos*, which *Suarez* beneath alleadgeth,  
and to which in this Disputation I haue already an-  
swered.

## Sect. VII.

<sup>m</sup> Cap. 6. sec. 3  
nu. 12. &c.

<sup>n</sup> Num. 17.

1. **T**Hirdly, *Suarez* <sup>n</sup> confirmeth this doctrine by  
reason; and this is the whole substance of his  
argument.

*Christ our Saniour hath giuen to Saint Peter, and his*  
Suc-



*Successors, whom he hath appointed to bee the supreme head, and Pastour of the Church, all authoritie which is necessary to the governing of his flocke, but authoritie to depose Princes is necessary for the gouvernement of the Church, therefore Christ hath given authoritie to S. Peter and his Successors to depose Princes. The Maior proposition is not in expresse words set downe by Suarez; but it is supposed; for he onely declareth the Minor for what cause, or by what title this authoritie is necessary. And he affirmeth<sup>o</sup>, that for two causes, or by reason of two titles this authoritie to chastise Princes with temporall punishments is necessary: the first title is for the Emperours, Kings, or temporall Princes themselves, the other for the people, who are subiect unto them. By reason of the first title this authoritie is necessary, that the Pope may either correct, or amend a rebellious Prince, or also punish him according to his deserts; for both of these doe appertaine to a Pastour: but oftentimes it falleth out, that onely Censures are not sufficient to those effects, and daily experience doth sufficiently shew, therefore of necessitie we must also affirme, that Christ hath given this power to his Vicar, considering that he hath appointed him to be his Pastour, as well of Christian Princes, as of the rest of the people.*

° Nu. 17.

2. *And this reason may be confirmed, because the Church hath power over other faithfull persons, and Christians baptised not onely to correct them by Censures, that they may amend their fault, but also to punish the offences committed by other temporall or corporall punishments according to the manner, which is agreeable to an Ecclesiasticall Iudge and Pastour, therefore the lawfull Prelats of the Church, and especially the Pope hath the same power even over supreme temporall Princes,*

Suarez nu. 18.

3. *The Antecedent proposition is manifest by the perpetuall practise of the Church. For the Canons doe usually impose a pecuniarie mulct sometimes to confiscation of goods: now and then also they doe impose corporall punishments*

ments

ments without danger of losing life or member, as is whipping, and sometimes sending to the Gallies, and when a capital punishment is necessarie, although Ecclesiasticall Iudges for decencie of their Order are not wont to give sentence thereof, yet they may commit the person offending to the Secular Iudge, commanding him to punish the offender according to the equitie of the lawes. All which may especially be considered in the crime of heresie. For Heretickes are not onely excommunicated by the Church, and punished with other spirituall punishments, but also are deprived of all their temporall goods, not onely by the lawes of the Emperours, but also by vertue of the Canons. And finally, if either he shall remaine obstinate, or be relapse, he is by the lawes of the Emperours punished with death, but by the Canons he is left to the discretion of the Secular Iudge, to receive punishment according to the condition of his fault, according to cap. abolendam de hæreticis, with such like.

Suarez nu. 19.

4. And that these punishments are iust, the practise of the Church doth sufficiently convince, and Saint Austin doth very well defend epist. 48. & 50. & lib. 3. contra epist. Parmeniani cap. 2. And that this power is necessary in the Church of Christ, as it is instituted by him, reason doth convince. For if the Subjects of the Church could not be punished by these kind of punishments, they would easily contemne spirituall punishments, and they would very much hurt themselves and others. For as it is said, Proverb. 29. A childe that is left to his owne will doth confound his mother. Wherefore the Christian Common-wealth were not conveniently instituted, neither were it sufficiently provided for, if she had not power to constrain rebellious persons, who would not obey Censures. Neither will he satisfie, who shall say, that it is sufficient, that temporall Christian Princes have this power, both for that these Princes may also offend and have need of correction (as I may say) and also for that the punishing of offences doth of it selfe onely belong to Civill Magistrates, as they are contrary

to the politike end, and to the peace of the Common-wealth, and to humane iustice, but to punish them as they are contrary to Religion and the health of soules, doth of it selfe belong to the spirituall power, and therefore to her chiefly ought to appertaine power to vse temporall punishments for such correction, either by inflicting them by her selfe, or by vsing the help of the Secular Magistrate, that all things may be done decently, orderly, and effectually.

Suarz, nu. 20.

5. It remaineth that we proue the former consequence, to wit, that if the Church hath this power ouer the rest of the faithfull of inferiour degree, she especially in S. Peter and his Successours, hath it also ouer supreamer temporall Princes. The consequence therefore is proued out of the principle before set downe, that these Princes are as well Saint Peters sheepe as all other Christians, neither doth temporall dignitie, or potencie exempt them from that power or punishment, for neither by Christs words, neither for any other ground or reason such a libertie, or rather licence to sinne can be gathered. Yea rather this power is more necessary in the Church, to punish such kind of Princes then their Subiects, first, because they are more free, and therefore doe more easily fall, and being fallen, are more hardly corrected. Secondly, for that Princes sinnes, especially such which are contrary to Faith and Religion are more pernicious, for they doe easily draw their subiects to imitate them, either by their example and by gifts and promises, or also by threatnings and terrors: whereupon well said the Wiseman Ecclesiasticus 10. An vnwise King will destroy his people, for what manner of man is the Gouernour of a citie, such also are the inhabitants therein. Finally, because Princes doe more grienously offend then the rest, and therefore they ought also to be more grienously punished by their Pastours; as of Pastours themselues Saint Gregorie said in his Pastorall part 3. cap. 5. and it is related by Pope Nicolas against Lotharius King of France, in an epistle to the same King, and it is rehearsed in cap. prapicue 11. q. 3.

Suarez. nu. 31.

6. And from hence now at the last may easily be shewed the other title of this power over Kings, to wit, for the defending of the Subjects. For it doth not onely belong to a Pastour to correct the sheepe that goe astray, or to recall them to the sheepefold, but also to defend them from wolves and enemies, least that they should bee drawn out of the folde, and be destroyed. But a wicked King especially a schismaticke, and heretike, doth put the subjects in great danger of perdition, as is manifest by that, which hath bene said before, & therefore it belongeth to the Popes office to defend the Subjects of an hereticall or peruerse Prince, and to deliver them from evident danger, therefore Christ, who hath done, and instituted all things well, hath given this power to Saint Peter, and hath contained it under that word feede, and under the power of binding and loosing, therefore by it hee may also deprive such a Prince of his Dominion, and hinder him that he hurt not the subjects, and absolve these from their Oath of Allegiance, or declare them to be absolved, because that condition is alwaies understood to be included in such an Oath.

Suarez nu. 31.

7. Which title Saint Thomas, and approved Divines thinke to be of such waight and force, that of it selfe onely it sufficeth to deprive an insidell King of his kingdom and power over the faithfull, although the former title of chastising and just punishing should cease. From whence the same Divines doe gather, that the Pope can not punish a heathen King, who is not baptised for infidelitie or other sinnes. And neuerthelesse if he have Christian Subjects, hee may release them of their subiection, for morall and evident danger of subversion: as Saint Thomas teacheth 2. 2. q. 10. ar. 10. And it is gathered from Saint Paul 1. Cor. 6. For he reprehendeth the faithfull, for that they had controversies before insidell Iudges, and to perswade them to this hee saith, Know you not that we shall iudge Angels? how much more secular things? Which words Saint Gregorie alleadgeth lib. 17. epist. 21. and doth from thence inferre, Therefore is it not lawfull for him to iudge of the earth

to

to whom power is giuen to open and shut heauen? God forbid. Heereupon also may a faithfull wife bee separated from her husband, who is an insidell, if shee can not dwell with him without iniurie to the Creatour, according to the doctrine of Saint Paul. 1. Cor. chap. 7. And from the same roote children baptised are freed from the power and company of their parents, who are insidels, least that they should againe bee intangled with their errors, as is it said in the fourth Councell of Toledo cap. 59. Therefore by the like, or with greater reason a Christian King, or who is subiect to the Church, by reason of Baptisme, may be deprived of his power and dominion over his vassalls, therefore it is a title of it selfe sufficient that the Pope may punish these Princes, and deprive them of their kingdomes, and for this purpose vse the sword of other Princes, that so the sword may be vnder the sword, that they may mutually helpe each other to defend the Church.

Suarez. nu. 23.

8. I might in this place declare, confirme and defend other titles, for which the Pope may upon inst causes dispose of temporals, as he did in the translation of the Empire, and in instituting a new manner of choosing the Emperour, and in administering it when it is vacant, but the breuitie of this worke doth not permit to prosecute al these, neither are they necessary to our intent and purpose, and therefore I remit the Reader to other Authors who haue most learnedly disputed heereof.

9. These be all the reasons which Suarez bringeth to proue this vnlimited power of the Pope, to punish Christian Princes with all sorts of temporall punishments, which although I might haue reduced to a more compendious forme, for that in substance they are the very same reasons, which Cardinall Bellarmine hath brought in his Controuersies to proue the Popes power to depose Princes, and to dispose of all their temporals, and to which in my *Apologie* I haue answered at large, yet least that the Reader should imagine that by

\* Nu. 176.

altering or displacing his words or sentences, I might change and alter the true sense and meaning of some sentence, and so the true force of his argument could not so easily be perceived, I thought it expedient to set his reasons downe word by word as they are found in him. And although I haue already in my *Apologie* answered this argument of *Suarez*, yet for satisfaction of them who either haue not seene or read my *Apologie*, I will repeate in substance the same answer here againe.

### Sett. VIII.

1. **F**irst therefore to the *Maior* proposition I answer, that Christ hath granted to Saint *Peter* and his Successours all sufficient and necessary power to gouerne his Church, and to bring the faithfull to life euerlasting, which is the principall end wherefore this power is giuen to the Church. But because the aforesaid proposition is equivocal, and may be vnderstood two waies, neither is it so cleare and manifest what things are required to this, that such a power may be said to be sufficient or necessary for such an end, if any one should strue to conclude an article or doctrine of faith from the aforesaid proposition, being taken so generally and without any further explication, might easily giue occasion to those who are not skilfull in Diuinitie, to fall into some error.

2. Wherefore a power to gouerne the Church, and to bring soules to heauen may bee called sufficient or necessary in this sense, that the Church hath all sufficient and necessary power actually to bring soules to heauen, and actually to take away all the impediments which can hinder one from the attaining to the kingdom of heauen, which sense those words of Cardinall *Bellarmino* may aptly beare, although perchance it was not his meaning, which he hath in an answer of his to a treatise of *Iohn Gerson* of the validitie of excommunication



cation P, to wit, that the Pope can effect all that, which is necessarie to bring soules to paradise, and to remoue all impediments, which the world, or the Diuell with all their strength, and subtilties can oppose: And this sense is cleerly false, both for that the Pope hath no sufficient meanes to saue an Infant in the mothers womb who can not bee borne aliue; for it is not lawfull to open the mothers womb before she be dead, that the childe may be Christened; or to saue one who being in mortall sinne is be-reaued of his wits, vntill hee returne to them againe, which to effect is not in the Popes power; and also for that the Pope hath not power ouer the internall actions of the mind, which are most necessarie to saluation. and lastly for that there should be neither Turkes, nor Infidels, nor heretikes, without the Popes default, if he had power to effect all that, which is necessarie to bring soules to Paradise, and to remoue all impediments, which may hinder one from the attaining to the same.

3 Secondly, it may be vnderstood that the Church hath all sufficient and necessarie power to gouerne the faithfull, and to bring soules to Paradise, if we regard only the power it selte, and not all those things, which are otherwise necessarie to bring men to saluation. As for example the power of the Sunne to giue light may be vnderstood to be sufficient either in regard of the power it selte to enlighten, or in regard also of those things which are otherwise necessarie for the Sunne to giue light, and which if they be not present will hinder the Sunne from giuing light. And although the Sunne hath not sufficient power to take away all those things, which can hinder it from giuing light, for so it should haue power to draw the body which it hath power to enlighten towards it, that the body may be in a conuenient distance, and also to make it perspicuous & capable of light, which neuerthelesse to effect are not in the power of the Sunne, and yet there is no man who will therefore deny, that the Sunne hath all necessarie, suffi-

cient, and perfect power to give light. And in this sense the *Major* proposition is true: for the Church of Christ, which is a spirituall Common-wealth, hath all necessarie, all sufficient, and perfect spirituall power to governe the faithfull, and to bring them to the Kingdome of Heauen, for as much as is required on the behalfe of the power it selfe, which power neuerthelesse doth suppose the subiect to be otherwise apt, and sufficiently disposed.

4. For the spirituall Church of Christ hath power given her to give spirituall grace to men; whereby they may come to the Kingdome of Heauen; to Infants and persons not baptized by the Sacrament of Baptisme, to men of discretion and who are baptized by other Sacraments, especially of Penance, by meanes whereof a Priest as the Minister of Christ by vertue of the Keyes of the Kingdome of Heauen, which by his Ordination and lawfull Iurisdiction he hath receiued, doth absolve from sinnes, and giueth spirituall grace; Neuerthelesse to make this power to be effectuell, and actually to bring men to the Kingdome of Heauen, are required certaine dispositions, which are necessarie on the behalfe, or in respect of the persons who are to receiue these Sacraments, which dispositions the Church hath not of her selfe alwaies power to cause in the faithfull, nor to take away al impediments, which euery way doth hinder the working of this effect. Besides this power, which the Diuines call *power belonging to the Sacrament of Order*, the Church hath also power, which they call of *Iurisdiction*, to preach the word of God, and to governe the Church by making lawes, and imposing commands, and to punish all offenders with spirituall punishments. For as the Church of Christ and the Ecclesiasticall power is spirituall, so also Christ hath given her all sufficient and necessarie spirituall meanes, for as much as belongeth to the power it selfe, to the effecting of that end, for which this spirituall power was granted her.

5 We grant therefore the *Maior* proposition in that sense as wee haue now declared. Now concerning the *Minor*, if *Suarez* vnderstand, that *Christ* hath giuen to his Church absolutely all spirituall authority without limitation to gouerne his Church, as he himselſe had a power, which Diuines call of *excellency*, whereby hee could miraculoſſly, and as it were by force conuert men from ſinne, and bring them to the kingdome of Heauen, which power in ſome part he gaue to his *Apoſtles*, as to doe miracles, to deliuer men ouer to *Sathan*, by whom they ſhould ſenſibly be puniſhed, that thereby they might be recalled from ſinne, to *S. Peter* to kill by word of mouth *Ananias and Saphira*, and *Simon Magus*, as Stories relate, we denye his *Minor* propoſition. But if he vnderſtand that *Chriſt* hath giuen to the Church all ſufficient and neceſſary power and authority, not temporall but ſpirituall, not absolute, but limited with ſuch conditions as beſeemeth the nature and condition of a ſpirituall common-wealth in ſuch ſort as it was inſtituted by *Chriſt*, and as the power is conſidered in it ſelſe, and not in regard of the meanes, which are otherwiſe neceſſary to the actuall executing of this power, we grant the *Minor*. But then we deny y<sup>e</sup> the authority to depose Princes, & to diſpoſe of all temporal is neceſſary or conuenient to a ſpiritual common-wealth in that ſort as it is inſtituted by *Chriſt*, for as much as by Scriptures, Ancient Fathers, or the pra<sup>c</sup>tiſe of the Primitiue Church can be gathered.

6 Wherefore as before in this diſputation 9 I answered to *Gretzers* argument, that to diſpenſe in an Oath, or vow two things are required, the one a power to diſpenſe, the other a juſt and ſufficient cauſe or title for which he may uſe that power to diſpenſe, and without which that power to diſpenſe ſhall worke no effect at all, yet that juſt cauſe or title doth not giue the *Pope* authority to diſpenſe, but doth ſuppoſe authority to bee giuen him, and therefore from a juſt cauſe, or title to diſ-

9 Cap. 6. ſec. 2.  
nu. 6.

dispense in a vow we cannot rightly inferre a true authority to dispense. In like manner wee answer now, that those two titles, which *Suarez* alleageth, are indeed sufficient causes, which may iustly moue the *Pope* to chastise Princes with temporall punishments, if hee had authority to punish them in that kind, and without which causes, or the like, although hee had such an authority to punish them, yet the exercising thereof would bee vniust, neuerthelessse these causes doe not proue, that the *Pope* hath such a temporall power to punish, but by other waies it must bee proued, that *Christ* hath giuen to *S. Peter* and his Successours such a temporall power, which hath not hitherto bene sufficiently conuincied by Scriptures, or any other prooffe. It appertaineth indeed to a Pastour to punish, but according to the authority as is committed to him by the cheefe and supream Pastor of all. Now whether *Christ* hath giuen to the *Pope* all that temporall authority to punish Princes in order to the spiritual good, which he hath giuen to Princes to punish their subiects in order to the temporal good, is the very thing which is in controuersie: And therefore *Suarez* vniustly hee will commit that fault in arguing which the Logicians call *Petitio principij*, which is to take that for proued, which he is to proue, must not suppose that the *Pope* hath power to correct & punish temporall Princes, not only with spirituall punishments which are proper to a spirituall common-wealth, but also with temporal, which seeme onely to belong to a temporall common-wealth, but he must also proue the same with *invincible arguments*, and and not onely to bring certaine causes, and sufficient titles for which the *Pope* may iustly put in execution such an authority if he had it.

7 And whereas *Suarez* affirmeth, that *onely spirituall censures are not sufficient to correct and amend wicked and rebellious Princes, as daily experience doth sufficiently shew, and therefore this power is necessary in the Church of Christ*

*Christ as it is instituted by him, for otherwise they would easily contemne spirituall censures, and would very much hurt themselves, and others.* We answer, that spirituall censures being such grieuous punishments as they are, and farre greater then any corporall torment or death, as S. *Austin* affirmeth, are sufficient to correct, amend, and punish all Christians whatsoever, for as much as belongeth to the spirituall power it selfe of correcting: but if they be not so sufficient as actually to cause Princes to amend, this is not for want of sufficient power, but for want of sufficient disposition in those Princes, who are not terrified with those censures. Neither is it necessary that the *Pope* must haue such a sufficient power to correct, and punish Princes, whereby they shall actually be brought to amendment, for so he should not onely haue all sufficient power to correct and amend, but also all sufficient meanes whereby this power must haue effect, but it sufficeth that he hath sufficient authority to inflict such spirituall punishments, whereby any Christian Prince or Subiect may be iustly terrified, and for feare of such grieuous punishments with-drawn for their wicked life.

8 If therefore wicked Princes shal contemne all Ecclesiasticall Censures, the *Pope* hath performed his office, neither can he proceede to any further punishment, for that according to the opiniõ of very many Doctors, as I shewed before, Ecclesiasticall censures are the last punishments which an Ecclesiasticall Iudge by Christ his institution can inflict: and therefore in this case, *they are to be left*, saith Abbot Wincer, *to the iudgement, and punishing of Almighty God, by whom only*, saith Alexander of Hales, *they are to bee punished with temporall punishments, and who wanteth not meanes*, saith *Gregorius Tholosanus*, *by which he is able, when he shall please, either to take away these wicked Princes, or to amend them.* And therefore in this case we must suffer patiently, saith *Aeneas Syluius*,<sup>x</sup> who afterwards was *Pope Pius* the second

<sup>r</sup> Lib. r. contra Aduersarium legis, et prophet. cap. 17.

<sup>f</sup> In velitatione contra Bucanum p. 180.

<sup>e</sup> 3. part. q. 40. memb. 5. q. 4. ad 1<sup>m</sup>. 2<sup>m</sup>. 3<sup>m</sup>.

<sup>u</sup> Lib. 16. de Repub. cap. 5. nu. 11.

<sup>x</sup> In lib. de ortu et autoritate Imperij Romani c. 16.

what a Prince doth although uniuersally, and we must expect either an amendment of his Successour, or the correction of the Iudge above, who doth not suffer violences and wrongs to be perpetuall.

8 And the very like answer doth Cardinall Bellarmine make concerning a wicked Pope, who oppresseth the Church, and endeauoureth by his bad life, or deedes to ouerthrow it, and neuertheless according to his doctrine the Church hath no effectuall remedy whereby to redresse her selfe: *It is no meruaile*, saith he, *that the Church in that case remaineth without any effectuall remedy of man, seeing that her safety doth not chiefly relye upon mans industrie, but upon God his protection, for that hir King is God. Therefore although the Church hath not authority to depose the Pope, yet she may and ought to pray humbly to God that hee will bring some remedy. And it is certaine that God will haue care of hir safety, who will either conuert such a Pope, or take him away, before hee destroy the Church. And the like answer in the very same words may be applied to temporall Princes, who persecute the Church.*

9 Wherefore these temporall weapons, as power to depose, to kill, and such like are not so necessary for the spirituall gouernment of the Church, she being principally protected by God, and by persecutions doth rather encrease, then is diminished. For *as the waters of Noe his flood*, saith Cardinall Bellarmine <sup>2</sup>, *did throw downe the Palaces of Kings, but the Arke of Noe they did more and more lift vp; so persecutions doe easilie overthrow temporall kingdomes, but the Kingdome of Christ, which is the Church, they doe not onely not destroy, but they doe also illustrate. The same teacheth Iustinus Martyr, <sup>3</sup> Tertulian <sup>b</sup> and Pope Leo <sup>c</sup> the great. And therefore it is not absolutely necessary*, saith the same Cardinal Bellarmine, *that the commonemie, as is the Turke, be resisted. For if the Church could continue (and rather encrease then be diminished) vnder the most cruell persecutions of Ne-*

<sup>7</sup> Lib. 2. de Cōcil. cap. 19. ad 2

<sup>2</sup> Lib. 4. de Eccles. cap. 6.

<sup>a</sup> In Tryphone  
<sup>b</sup> Cap. ultimo  
*Apologetici.*

<sup>c</sup> Sermon. 1.  
de. s<sup>t</sup> Petro,  
et Paulo.

<sup>d</sup> Lib. 1. de Cōcil. cap. 10.



ro, Domitian, Decius, Dioclesian, why may shee not also under the persecution of the Turkes? Seeing therefore that the Church may be well gouerned, wicked Princes punished, and also amended, and the soules of the faithfull saued without deposing of Princes, & vsing these temporall punishments, they are not *necessary*, as by the definition of *necessary* doth clearely appeare, to the good gouernment of the Church, to the punishing of wicked Princes, and to the saluation of soules, which is the cheefe, principall, yea and onely end of all Ecclesiasticall authority.

10 To the *Confirmation*, which *Suarez* bringeth, we answer as before, that the Church of *Christ* hath power to correct all Christians, and to punish all offences with those punishments which are agreeable to an Ecclesiasticall Iudge and Pastor, as hee is instituted by *Christ*: but whether these punishments which *by way of coercio* the Church can inflict, *as she is instituted by Christ* be onely Ecclesiasticall Censures, or also temporall punishments, is the maine question which is now in hand, and of which I now doe dispute with *Suarez*, *alwaies vnderstanding of the modall, and not of the absolute proposition.*

10 I said first *by way of coercion*, for I doe willingly acknowledge, as oftentimes I haue in other places affirmed, that *by way of direction and command* the Church may impose or inflict (for these two wee now doe take for all one) temporall punishments, if they shall bee necessary for the health of soules, and so we grant, that by *Christ* his institution the Church may command one to be whipped, to be banished, to be sent to the Gallies, to pay such a summe of money, yea and to bee hanged according to the Lawes, if these punishments shall bee necessary to the saluation of his soule, but if the Church commanding these punishments be not obeyed, to what then doth her power extend? Hath an Ecclesiasticall Iudge, as he is Ecclesiasticall, authority by *Christ* his in-

e Cap et venit  
de pœnis.

stitution to execute by himselfe these punishments, as to take away his mony, to thrust him into y Gallies, to deprive him of his life, or only to punish the disobedience with Ecclesiastical censures? In this point remaineth the whole difficulty. My opinion is, that it is the doctrine of many Catholikes, who are not therefore to be condēd of *heresie* or *erreur*, that the last punishments, to which the authority of an Ecclesiastical Iudge, as he is Ecclesiastical, can by *Christ* his institution be extended, are only Ecclesiasticall censures. And so the common practise of the Church is, that when an Ecclesiastical Iudge imposeth any pecuniary mulct, or punishment, the executing thereof is commanded vnder paine of incurring Ecclesiasticall censures. Wherefore in the provinciall constitutions of England e we have this Decree. *We ordaine, that Lay-men precisely by the sentence of Excommunication be compelled to performe all punishments as well corporall as pecuniary. But that those, who doo hinder that these punishments be not performed, bee constrained by the sentences of Excommunication and Interdict.*

II I said secondly [*by Christ his institution*] for I doe not deny, but that Ecclesiasticall persons by the grants, priuiledges, and positive Lawes of temporall Princes, haue authority to punish offenders with temporall punishments, not only *by the way of direction*, but also of *coercion*, as before I related out of *Gerson* and *Almaine*. And therefore we grant to *Suarez* all which hee bringeth to confirme the Antecedent proposition, to wit, that the *Popes* and *Councils* doe many times impose pecuniary mulcts & other corporall punishments, yea and death it selfe, as appeareth by the Canon *in Synodo* dist. 63. and cap. *de usuris* 5. q. 6. although *Suarez* in those words, *without danger of losing life or member*, would dissemble the same: But this is that we stand vpon, that if *Suarez* will needs haue these temporall punishments to bee imposed by the *Canons* not onely *by way of direction*, but also of *coercion*, that either they are

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of force only in the temporall territories of the Church, or else they are a confirmation of the punishments before imposed by the Ciuill Lawes, or else they are done by the consent of temporall Princes, or else they are a declaration what the Secular Iudge ought to doe, or finally that they are not imposed by them as hauing power granted by Christ his institution, but as hauing such authority from the positue grants and priuiledges of Princes, according to the opinion of very many Doctors, who hold, as I related out of *Gerson*, and *Almaine*, that an Ecclesiasticall Iudge hath not by Christ his institution power so much as to imprison, but this proceedeth from a pure positue Law and grant of temporall Princes.

12 And so Cardinall *Hosienfis*, who although hee defend the Popes direct power in temporals, yet to that Canon *Ad abolendam*, wherein the Pope decreeth that the goods of heretikes are to be confiscated, hee relateth an answer<sup>1</sup>, which hee doth not reiect as improbable, that the Pope made this decree by the assent of the Emperour, who was then present, and consented. And the Glosse vpon the can. *Adrianus* dist. 63. wherein the Pope commandeth the goods of them to bee confiscated who doe not obserue his decree, and vpon the Canon *Delatori* 5. q. 6. wherein he ordaineth that the tongue of a false promotor be pulled out, and the head of a convicted person be stroken off, answereth thus: Heere the Pope doth teach what a Secular Iudge ought to doe.

13 I said thirdly [alwaies vnderstanding of the modall proposition, for I will not deny but that *Suarez* hath made heere a very plausible discourse, and that hee hath brought many probable arguments out of *Scriptures*, and *Councils* to proue the aforesaid temporall authority of the Pope; but that any one argument of his or of any other, doth cleerely conuince the contrary opinion to containe in it any *heresie* or *error*, this is that I vterly deny.

14 Wee grant therefore to *Suarez*, that it is necessary that there bee in the Church authority to punish wicked Christians, and heretikes with capitall punishments, if by the *Church* we vnderstand the whole congregation of the faithfull including both the *Clergie*, & the *Laitie*, for wee freely confesse that Christian Princes haue authority to put heretikes to death, and that the Lawes for punishing them in that sort are iust; and this onely *S. Austin* defendeth against the *Donatists*, as *Parmentian*, *Petilian*, and *Gaudensius*, who held that it was not lawfull to deliuer an incorrigible heretike to the Secular Magistrate to be punished capitally; but this is not the question which is now in hand, but the onely controuersie betwixt me & *Suarez* is, whether *Church-men* as they are *Church-men*, or which is all one, whether the spirituall power of the *Church* is by *Christ* his institution extended to punish heretikes with temporal or capitall punishments, without the concurrence of the Secular Magistrate. Whereby thou maist perceiue (*courteous Reader*) how cunningly *Suarez* proceedeth in alleaging *S. Austin* for the approouing of the *Church lawes* for the Chastising of heretikes with temporal and capitall punishments, as though he would haue his Reader to beleeeue, that *S. Austin* approoued the *Popes* authority or *Church-mens* authority to inflict temporall, and capitall punishments, whereas *S. Austin* neuer dreamed of any such authority, but his opinion was, as I haue signified before, that in the *Church of Christ* the visible sword was to cease, and so capitall punishments which were used in the old Law, excommunications and degradations were to succeed in the new.

14 Wherefore if priuate men doe contemne Ecclesiasticall censures, they may easily be corrected and punished by the Secular power, who is bound by the Law of *Christ* to aide and assist the spirituall; but if a wicked Prince doe not regard the censures of the *Church*, the *Church* hauing vied the last punishment to which her

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power doth extend, as I have shewed before, must instantly pray to Almighty God for the conuersiō of that King, & leaue him to the iudgment of the eternal King, who will euer protect his *Church*, and will amend or correct that King when it shall please him, in the selfe same manner as Cardinall *Bellarmino* affirmed, that the *Church* must proceede with a wicked *Pope*. And if a wicked *Prince* should not onely contemne the *Popes* sentence of Excommunication, but also of deprivation, I would gladly know of *Suarez*, what authoritie were then left in the *Church*, (I meane in *Church-men* as they they are such) to punish this *Prince*, and to defend Christians from his tyranny. Truly if *Suarez* argument were good, it would proue that the *Church* should haue power to doe miracles, and either to kill him, as Saint *Peter* did *Ananias*, or else to deliuer him to *Satan*, as Saint *Paul* did the fornicatour, that being tormented by the *Diuell* with corporall afflictions, hee might be brought to repentance. And thus much concerning the first title, why the *Pope* may according to *Suarez* depose *Princes*.

## Sect. IX.

I. **T**He second part of *Suarez* reason, which is taken from the second title or cause for which the *Pope*, as *Suarez* saith, hath power to depose *Princes*, and to dispose of all temporals is easily satisfied in the selfe same manner, as the first part was answered. For if it could once be certainly proued, that the *Pope* had authoritie to depose *Princes*, &c. then doubtlesse this second title to defend the faithfull people, were a sufficient cause, that the *Pope* might lawfully and without sin put in execution this his authoritie; but it doth no other way proue, that the *Pope* hath such a temporal authoritie granted him by *Christ*, then the former title did. Wherefore we willingly acknowledge, that it belongeth

longeth to the *Popes* office to defend Subiects from an heretical or peruerse *Prince*, but according to that limited authoritie which *Christ* hath giuen him, and by those lawfull meanes, which by *Christ* his institution he may vse; but whether this authoritie to depose, to kill, to vse all other temporall meanes, which temporall Princes for the temporall good may vse, bee comprehended vnder these words, *Feede my sheepe, whatsoever thou shalt loose, &c.* is the very question which is now in controuersie. And although Saint *Thomas* and other approued Diuines doe hold, that the *Pope* hath power to depose Princes, and to absolue Christian Subiects of their allegiance which they owe to infidell Princes, yet this is not a sufficient ground, as I haue shewed before <sup>f</sup>, to condemne of *heresie* or *error* those Catholike Diuines, who holde the contrary opinion. And therefore what Saint *Thomas*, *Suarez*, or other Diuines who be of the same opinion doe by probable inferences gather out of these words, *feede, whatsoever*, or such like places, is not much materiall to our present controuersie, vnlesse their collections bee so euident, as they are not, that no probable answer can bee made vnto them.

<sup>f</sup> In this disputation cap. 18. sec. 2.

2. To that place of Saint *Paul* 1. Cor. 6. *If therefore you haue secular iudgements, the contemptible that are in the Church, set them to iudge.* Doctor *Barclaye* s. and I <sup>h</sup> haue sufficiently heeretofore, and since that his sonne Master *Iohn Barclaye* i. hath in my opinion most learnedly answered to all the obiections which Cardinal *Bellarmino* hath brought to impugne his *Fathers Answer*. And although *Suarez* taketh notice of Cardinal *Bellarmino*s booke which he highly commendeth, yet of the Answer which Master *Iohn Barclay* hath made to Cardinal *Bellarmino* he taketh no notice of all, but vrgeth the same text in such manner, as though it had neuer beene answered as yet. Wherefore seeing that *Suarez* in his speeches to the Kings *Messie* doth professe

<sup>e</sup> De potest. Papæ cap. 21.

<sup>h</sup> In my Apologie in 270. &c.

<sup>i</sup> Cap. 21. § 2.



esse sinceritie, we desire him that hereafter he will take notice of these bookes, and either impugne the answers, or grant freely that they can not bee *convinced as improbable*.

3. We answered therefore, that Saint *Paul* did not intend to commaund Christians to appoint Ordinarie Iudges for the deciding of Secular causes, but onely Arbiters, which might peaceably take vp all matters betwixt them, without running to the tribunals of infidell Princes, by which the Christian Religion was brought into contempt by the Infidels, seeing them to bee at variance among themselves. And so the strifes, & suites in law among Christians themselves, who began then to publish to the world a new Religion, was a great occasion to draw infidels from liking well of the Christian Religion. Wherefore because these debates, & suites in law among Christians themselves, were scandalous to the infidels, although not of themselves unlawfull, Saint *Paul* counsailed, or at the most commaunded the faithful *Corinthians* that they should compound their suites among themselves, and appoint some *Arbitrarie Iudges*, who should take vp all controuersies, lest otherwise they should bee compelled to goe to infidell Iudges. And to perswade the *Corinthians* that Christians were men worthie to be *Arbiters* in Secular causes, hee vseth an argument *à maiori ad minus*, as as the *Logicians* call it, that is, *from the greater to the lesse*. For if *Christians* shall iudge the Angels, much more ought they to be esteemed worthy to be *Arbiters*, and to take vp in quiet and peaceable manner, not in rigour of iustice, secular contentions and strifes among men. And this is all, that the words of Saint *Gregorie* cited by *Suarez* doe proue; for they that haue power to open and shut inridically the kingdome of heauen, ought not to be accounted vnworthy to iudge earthly matters, and especially by way of *Arbitrement*.

4. That these Iudges, whom Saint *Paul* commaunded

ded the *Corinthians* to appoint ouer Secular causes, were not *Ordinarie Iudges*, but only *Arbitrario* (although not such, who the parties themselves when they were at strife should elect, but such that should be chosen & appointed by the whole community to take vpeaceably all contentious quarels which afterwards should arise) we proued from the authority of *S. Thomas*, and *Lyranus* vpon that place, who write thus: *But that saying of the Apostle seemeth to be against that, which is written 1. Peter 2. Be subiect therefore to every humane creature for God, whether it be to King, as excelleng, or to rulers as sent by him. To which it is to be answered, that the Apostle doth not heere forbid the faithfull, who are vnder infidell Princes, to appeare before them, when they are called to their tribunals, for this should be against the subiectiō which is due to Princes, but he forbiddeth that they should not voluntarily haue recourse to infidell Iudges in those causes, which may be determined by the faithfull.* And this exposition Card. Bellarmine<sup>1</sup> himselfe seemeth to approue, saying, *that by these words the Apostle doth admonish the Corinthians, that in those causes, wherein they were not bound of necessitie<sup>m</sup> to go to the tribunals of the Gentiles, they should appoint among themselves a Iudge.*

<sup>k</sup> Note that word voluntarily.

<sup>l</sup> Lib. 3 de Laicis cap. 11.

<sup>m</sup> Note those words of necessitie: and also among themselves, for Saint Paul speaketh only of contentions among Christians themselves, and not betwixt Christians, and infidels.

5. Seeing therefore that, according to this Doctrine of *S. Thomas*, & *Lyranus*, the Apostle did not command the faithfull Corinthians to appoint Iudges among themselves in such sort, that they should any way derogate to the obedience which was due to Princes, & that when they were summoned to appeare in iudgment, they were bound to appeare, but only forbade them to haue voluntarily, & of their own accord recourse to Infidel Iudges, but to take vp peaceably all contentions among themselves it followeth of necessitie, that these Iudges were only *Arbiters*, although not to be appointed at the arbitrement of y parties who were at strife, but to be appointed by the whole community as *Ordinarie Arbiters* to decide all future controuersies among Christians themselves.

6 Where-

6 Wherefore, as I said in my *Apologie*, S. Paul doth in this place admonish the faithfull *Corinthians*, that they should not be at debate *among themselves*, but y rather they should take wrong, & suffer fraude. But if by reason of humane infirmitie there should chace at any time to arise any controuersie *among themselves*, they should appoint certaine *Arbitrarie Iudges*, who might peaceably without going to law before Infidell Iudges compound their quarrels, & that they should not *voluntarily* and of their owne accord go to the tribunals of Infidell Iudges, who seeing Christiãs at debate *among themselves* would easily take occasion to contemne, reuile, and oppresse them, whom for their Religion they did not loue; and also the Infidels themselves would more greatly be auerted from the Christian Religion: But if it chanced that they were conuented before the tribunal of the Infidels, then they must appeare, otherwise they should do against the subiection which is due to Princes, which Saint Paul, according to Saint Thomas and Lyrannus, would in no wise haue them to doe.

7 Therefore this is not a good argument: The faithfull *Corinthians* might, & also ought, according to S. Pauls admonition, for y auoiding of scãdal, appoint *ouer themselves* certaine *Arbitrarie Iudges* to decide those causes, for which they were not bound to go to the tribunals of the Gentiles, therfore they might in like mãner appoint *ouer themselves* new Kings, & Princes. For the first doth not derogate any way frõ the authority of Princes, but the second is against the subiection which is due to Princes, but the faithfull *Corinthians* ought not to doe any thing which is contrarie to the subiection w is due eue to infidel Princes, as S. Thomas & Lyrannus haue taught a litle before. Al this & more both the *Barclaiers*, & my self haue in effect answered heretofore, w our answer either  *Suarez* hath not seene, or else he concealeth it, & vrgeth this text in such sort as though it made cleerly for him.

8 In like manner both I<sup>n</sup>, and the two *Barclaiers* <sup>o</sup> p haue

<sup>n</sup> In my *Apologie* in 188. & seq.

<sup>o</sup> Doctor Barclay ca. 23.  
P Iohn Barclay cap. 23.

haue fully answered to the first part of that argument, which *Suarez* bringeth in the last place, to wit, *that a faithfull wife may be separated from her husband, who is an infidell, if shee cannot dwell with him without iniurie to the Creatour; and children baptized are freed from the power, and companie of their parents who are infidels, lest that they should againe be intangled with their errors, therefore by the like, or with greater reason, a Christian King may by reason of Baptisme be deprived of his power, and Dominion ouer his vassals.* For we made very apparant the insufficiency of this consequence by shewing the great disparitie betwixt these two separations. And first the marriage betwixt the infidell husband and the wife, who is become a Christian, is not dissolved by the *Popes* authoritie, but by God himselfe, permitting, but not commanding the same, as Saint *Austine* expressly affirmeth, and therefore this similitude proueth nothing for the *Popes* authoritie to depose, but rather that the faithfull Subjects may depose their Prince who is an infidell; if they can not liue vnder his subiection without iniurie to the Creatour.

7 *Secondly*, if we speake of the deposing of *Christian Princes*, for whom principally, or rather against whom he handleth this question, this similitude is flat against himselfe. For a wife baptized cannot depart from her husband who also is baptized, and dissolve the bond of matrimonie, although he should become an heretike or infidell, and that shee can not liue with him without iniurie to the Creatour; therefore neither Subjects baptized can depart from the obedience of their Prince who is baptized, and by deposing him dissolve the bond of their allegiance, although he should become an heretike or infidell, and that they cannot liue with him without iniurie to the Creatour.

8 *Thirdly*, there is a great disparitie in this similitude, for that a wife to leaue her husband argueth no authoritie to be in the wife ouer her husband, but for the

¶ *Lit. de adul-  
terii coniu-  
gijs cap 19.*

the people to depose their Prince argueth a supreme authoritie and Superioritie to be in the people ouer their Soueraign Prince, which supreme authoritie cannot be in the people, who are subiect vnto him. The most that this comparifon can proue is, that as a faithful wife, who cannot liue with her husband without offending her Creatour, may leaue his companie, but not dissolue the bond of matrimonie, and marry an other husband, so a Christian Subiect, if he cannot without offending God liue with the Prince in his Kingdome, hee may depart the Land, because this argueth no authoritie to bee in the Subiect ouer his Prince, but only a meere right to keepe himselfe from sinne, but hee cannot depose his Prince, and dissolue the naturall bond of his Allegiance for the cause aforesaid.

9 Lastly Master Iohn Barclay doth well obserue, that when Saint Paul gave this admonition to the Christians, as Christian wines were by the bond of marriage subiect to infidell husbands, so also some Christian men were by the bond of allegiance, and obedience subiect to infidell Princes, & Lords, yea all Christians were at that time subiect to infidell Princes; and yet the Apostle in no place in no case did graunt the people leaue to reuolt from their Prince, or seruants from their Lord. And why should not the Apostle haue admonished faithful Subiects of their dutie as well as faithful wines? for what cause should hee haue intangled their consciences? He teacheth that the bond of matrimonie ought to be firme, and yet that in infidels it may be dissolued, if one of themembrate the faith of Christ: He teacheth againe that Subiects, and seruants ought to obey their Prince, and Lords or Masters for conscience sake, neither maketh he any exception of an infidell Prince or Lord (as he did of Matrimonie) yea manifestly excludeth all exception seeing that he then spake expressely of infidell Princes, and of infidell Lords or Masters: therefore according to this doctrine it is not lawfull for faithful people to cast off the subiection which they owe to an infidell Prince.

r §. 10.



10. To the second part of the argument I answer in like manner, that Children baptized are freed from the power and company of their Parents who are Jewes or infidels, not by the authoritie of the *Pope*, but either by the authoritie of *Christ*, as christian wiues are from their husbands, who are infidels, or else by the authoritie of the ciuill Magistrate, to whom those infidell Parents are subiect in ciuill matters. For wee must obserue two obligations, wherein children are bound to their parents, the one naturall and diuine, which doth consist in this that children must honour and reuerence their parents, as those from whom next vnder God, they haue receiued life and being, and this bond no humane power can release, the other ciuill, which proceedeth from the ciuill law, and which bond, according to the customes and lawes of diuers nations, is more or lesse strict: as that children are bound to liue in company of their parents, and vnder their potēcion or gard, that they cannot marry or make any contriēt without the consent of their parents, and such like; and this bond as it was made by the ciuill law, so it may, and oftentimes is by the same law in diuers cases taken away. Wherefore if that fourth Councell of *Toledo*, which *Suarez* alleageth, did onely declare that the baptized children of Jewes, were by the law of God freed from the power and company of their parents, which forbiddeth all probable danger of falling into sinne, this Councell maketh nothing to proue the Popes authoritie to free either children or Subiects baptized from the power of their parents, or Princes, who are infidels; but if *Suarez* will affirme that the Councell exempted baptized children of infidell parents from all ciuill subiection due to parents by the ciuill law, we answer that it maketh also little to proue that Clergie men, as *Clergie men*, haue power to absolue children from ciuill subiection, for that this decree was made by the consent of the temporall Prince, King *Sisennand*, as



appeareth both by the first words of the Councell, and many other decrees, especially concerning Iewes; as in the 64. Canon beginneth, *Our most excellent Lord and King Sisenand commanding, the sacred Councell ordaineth, &c.* and the 65. By the decree of the most glorious Prince, &c. and in the very next Canon before that which *Suarez* citeth, the Councell speaking of the Iewes decreeth thus, *Concerning whom* (to wit, the Iewes) *this Sacred Councell, by the advice of our most pious and most Religious Lord King Sisenand hath decreed, &c.*

11. Wherefore there is the same disparitie in this similitude which is in the former, for that children baptized to bee freed from the power of their infidell parents, argueth no authoritie to bee in the children ouer their parents, but only a right to keepe themselves from sinne, but for Subjects to depose their Prince, argueth a supream authoritie and superioritie to be in the Subjects ouer their Prince. Therefore neither w<sup>th</sup> farre greater reason, nor with the like reason, or scarce with any reason at all doth *Suarez* conuince by the aforesaid similitudes, that the *Pope* hath power to depose Princes. And neuerthelesse wee doe freely acknowledge that the sword must be vnder the sword, and that they must mutually helpe on the other to defend the Church; but this subiection of the temporall sword to the spirituall, and of the ciuill power to the Ecclesiasticall, wee doe not vnderstand in that manner as *Suarez* doth, but as we before declared in this Disputation in answering to *Suarez* argument.

12. The other titles which *Suarez* saith, hee could bring but doth not, as the translation of the Empyre, remitting the Reader to other Authors who haue most learnedly disputed thereof. I also haue examined in my *Apologia*. wherein I haue abundantly shewed, that Cardinall *Bellarmino*, euen according to his owne grounds, hath not sufficiently proued, that the translation

Cap. 3. Sec. 1.  
nu. 13.

tion of the Romane Empyre from the Grecians to the Germanes, was done by the sole authoritie of the *Pope*, but that the authoritie, consent and suffrages of the Romane people was concurring thereunto, and therefore that no sufficient argument can bee drawne from that translation to proue, that the *Pope* hath by Christ his institution authoritie to translate Empyres, and to dispose of kingdomes, as Cardinall *Bellarmin* pretended to demonstrate, wherefore I also remit the Reader to that place!

Sect. X.

I. **T**Hese be all the arguments (*Curtious Reader*) which *Suarez* bringeth to proue that the *Pope* hath authoritie to depose Princes, which is the sole foundation, whereon all his chiefe exceptions against the *Oath* doe depend: which his arguments, if they bee of force, do evidently proue, *first*, that if for the necessitie of saving of soules, which is the principall end of all Ecclesiasticall authoritie, this power to depose Princes is by Christ granted to the *Pope*, hee should also have had giuen him sufficient meanes to execute this power, seeing that the actuall deposing of them, and thrusting them out of their kingdomes, is for the most part more necessary to correct and punish wicked Princes, and to defend soules from danger to be drawn by their potentie to perdition, then is the sole authoritie to deprive them by a meere inridical sentence. And Christ, if it had pleased him, might have giuen to the *Pope* such an effectuall authoritie, that whensoever he should excommunicate any wicked Prince, he should either presently be miraculously slaine, as *Ananias* was at the voice of Saint *Peter*, or the Diuel should incontinently torment him with corporall afflictions, as the fornicatour was by Saint *Paul*.

2. *Secondly*, they doe also conuince, that the *Pope* hath

hath power not onely to deprive Princes of their kingdoms, but also of their liues: For according to  *Suarez* those words of our Saviour, *Whatsoener thou shalt loose, &c. & Feed my sheepe*, are generall, nor limited to this or that kind of punishment, and therefore they ought not, saith  *Suarez*, to bee limited by vs, but are to be extended to all punishments, which the *Pope* in his iudgement and discretion shall thinke conuenient. Neverthelessse Doctor *Schulckenius*, or rather Cardinall *Bellarmino*, as most men say, whom by force of argument I greatly vrge to declare his opinion in this point, doth neuer in such plaine and perspicuous words confesse the same, (although in some places, especially pag. 413. 488. & 489. it may easily bee gathered) but that he may alwaies haue some sort of euasion. And therefore whereas I in my *Apologie* did oftentimes vpon occasion of Cardinall *Bellarmines* arguments vrge this obiection, and did apparantly conuince, that those who defend the *Popes* authoritie to depose Princes, must of necessity according to their grounds also maintaine, that the *Pope* for the spirittual good of soules hath also authoritie to kill Kings by all those waies secrete or publike, by which a temporal *Prince* for the tēporall good of the Common-wealth hath authoritie to kill any of his Subiects, for that, according to this doctrine of deposing, the *Pope* hath absolutely as ample authoritie ouer *Princes* in order to spirittual good, as *Princes* haue ouer their subiects for the temporall good: yet for all this he doth neuer answere directly to this obiection, or rather demonstration, but still runneth to that saying of *S. Leo*, *Ecclesiastical leuitie doth auoid cruell reuengings*; Which either may be vnderstood that *Cleargie men* (as *Cleargie*) can not by the law of *Christ* concurre to the spilling of blood, or onely by the law of the Church, wherein the *Pope* hath power to dispense. Moreouer this *Doctour* doth euer seeke to disgrace me, and to mis-interpret my sincere cogitations, affirming

that by vrging this obiection, I onely intended to make the *See Apostolike* odious to Princes, whereas, God is my witnesse, I neuer had or haue any such intention, but my onely meaning is and ever was plainly and sincerely to find out the truth, it is rather themselves, who enleauour to make the *See Apostolike* odious and dreadfull to Princes, by broching such a scandalous and desperate doctrine, and wee seeke rather to take away such dreadfull iealousies out of the mindes of Princes.

Lib 6. cap. 4.  
nu. 18.

3. But *Suarez* perceiuing the necessary consequence of this argument doth deale more sincerely, and doth in expresse words affirme, that the *Pope* hath power to depriue Princes of their liues, and to give leaue to others to kill them. For thus he writeth, speaking of the *Popes* authoritie to depose, *after a condemnatorie sentence given by lawfull authoritie, whereby a King is depriued of his kingdome, or which is all one, after a declaratory sentence of the crime, which hath such a punishment imposed upon it by the law it selfe, he who gains the sentence, or to whom he shall giue commission, may depriue the King of his kingdome, also by killing him, if otherwise hee cannot, or if the iust sentence doth also extend to this punishment.* And a little beneath he writeth thus: *And in the same manner, if the Pope depose a King, he can be put out or killed ouely by them, to whom he shall giue commission.* But if he command the execution to no man, it shall belong to the lawfull successour in the kingdome, or if there be none to be found, to the kingdome it selfe: and a little after he saith, that this doctrine is true and certaine.

Nu. 10.

4. Neuerthelesse this doctrine of *Suarez* is in my opinion not onely vncertaine, but it is also a new and very scandalous doctrine. That it is vncertaine, it may appeare by that which hath beene said before, for if the doctrine for the *Popes* power to depose Princes, and to inflict temporall punishments, by way of coercion, bee vncertaine; in so much that very many *Dollors* doe hold

hold, as *Gerson* and *Almaine* doe affirme, that the *Pope* by *Christ* his institution hath not authority so much as to imprison, much more it is vncertaine that hee hath power to kill, and punish by shedding of blood, which *Ecclesiasticall lenity doth so much abhorre*. That it is a new doctrine it is manifest, for that before these latter years it was neuer taught in the Church of God, and now there is scarce one or two who dare in expresse words auouch the same; And whether it bee a scandalous doctrine or no that if a Prince bee deposed by the *Pope*, the next successour hath authority to kill him, if he cannot depose him, and consequently that the next successour may give leaue to any priuate man to kil that Prince who is by the *Pope* deposed, I leaue it to the iudgement of the discreet Reader. Besides if the *Pope* can giue leaue to any man to kill a Prince after hee bee deposed, as *Suarez* affirmeth, I doe not see but that hee may also according to his grounds giue secret licence to any man secretly to kill him, before he be deposed, if he shall thinke his sentence of deposition wil little preuail with him, but rather be a cause to hinder his killing for that such a Prince will be more carefull thereby to preuent all future trecheries; For it is not necessary that the *Pope* must vnking him before he hath power to kill him, for that according to *Suarez* doctrine a Christian King remaining a King is subiect to the *Popes* power of correcting and punishing, and it is left to his discretion what punishment hee will inflict vpon him, for that *Christ* hath not limited his coerciue power, and therefore neither ought it to bee limited by vs or by any Christian Prince.

5 Moreover I cannot perceiue but that this doctrine giueth way to priuate men to murder Kings, not onely with the *Popes* expresse licence, but also with his vertuall leaue, and with presumption, that either hee will not or ought not to bee vnwilling. Which consequence although *Suarez* doth deny; for that, saith he,

Lib. 6. cap. 4.  
nu. 19.

<sup>t</sup> Lib. 6. ca. 4.  
nu. 19.

*a Judge condemning a private hereticke or maiestour doth not presently give leave to all men to kill him, therefore neither the Pope condemning an hereticall, or otherwise tyrannicall King doth virtually and conerily give such a licence. For there can bee no iust cause alleaged why this licence should be presumed rather against a Prince then against others. For prudence, and a iust manner in the execution it selfe is alwaies necessary, and there is greater danger of disturbance, and excesse in punishing a kings person then others.*

6 But this reason of *Suarez* although it may stand, if we speake of the killing of a King, as the killing of him is a punishment, yet it is not so sufficient, if wee speake of the killing of a King, as the killing of him is a defence of many innocent soules from danger of damnation. For *Suarez* doth hold, as wee haue shiewed before, that the *Pope* hath power to deprive Kings of their kingdomes, and consequently of their liues by reason of two titles, the one is in regard of the King himselfe to amend him, or punish him, the other in regard of the Subiects to defend them from being oppressed, which also may bee applied to a Subiect who is a common robber by the high waies; and condemned to death, who although hee cannot bee killed by any man to whom the Magistrate hath not granted particular commission, as his killing is a punishment of his offence, yet as his killing is a defence of so many innocent men, it may probably be presumed that the Magistrate giueth vertuall licence to any man to kill him; if hee bee condemned and cannot bee apprehended, but continueth still in robbing. In like manner considering the killing of a King may probably be the safety of so many soules, why may it not with great reason be presumed, according to *Suarez* doctrine, that the *Pope* is willing thereunto, if without great disturbance or other blood-shed it can priuately be done? Nay why may it not with great reason bee presumed that the *Pope* is bound in conscience



ence to be willing, and to giue expresse leave, yea and to command priuate men, if they can commodiously kill such a King, whereby a whole kingdome may be free from his Tyranny, seeing that euery priuate man is bound to prefer the common good and saluation of so many thousand soules, although it bee with imminent danger of his owne life? Now whether these collections which are probably deduced from the former doctrine of *Snarez* be scandalous, I thinke that there is no prudent man but will acknowledge. And whether all Kings haue not great reason to oppose themselves against such a new, and desperate doctrine, whereby there liues are subiect to the indiscreet zeale of euery priuate man, who may probably pretend that the *Popes Holinesse* either is or ought to be willing thereunto, I remit to the iudgement of any sensible man. This is the true, ancient and vndoubted doctrine, *Kill him not, u for who shall stretch his hand against the Lord his annointed and be guiltlesse?*

<sup>a</sup> 1. Reg. 26.

*The second part.*

*Sect. I.*

**I** Having declared the cheefe ground and foundation, to wit, the *Popes* power to depose Princes, and to absolute subiects from their Allegiance, whereon all the Principall objections which *Snarez* maketh against the Oath doe depend, let vs now consider what particular arguments he bringeth to proue, that this Oath is vnlawfull. and doth couertly at least-wise containe not only the profession of temporall Allegiance, but also a flat deniall Ecclesiasticall and spirituall obedience.

2 But first of all thou must obserue (*courteous Reader*) that there are to be found two onely supream powers

X x 3

whereby

<sup>a</sup> Out of Pope Gelasius in his Epistle to Anast. Imperat. Pope Nicholas the first in his Epistle to Michael Imperat. and Innocent 3. in cap. solitz de Maiorit.

<sup>a</sup> whereby this world is principally governed, which are distinguished by their proper functions, offices, and dignities, to wit, the sacred Ecclesiasticall authority instituted by Christ our Lord, and the politike Soueraignty or ciuill power ordained also by God himselfe by meanes of the law of nature; and as there are formally two onely common-wealths of mankind, the Ecclesiasticall, which is called the Church of Christ, which is governed by the Ecclesiasticall or spiritual authority of spirituall pastours or Bishops, especially the chiefe Bishop who is the Pope, whose principall end is to bring soules to the kingdome of Heauen, and therefore hath for the formall obiect of her directiue power vertue and vice, for which men deserue either heauen, or hell; and the ciuill common wealth which is governed by the ciuill authority of Kings, Princes and supreme Potentates. and whose principall end is to conserue outwardly publike peace and quietnesse in humane society and living together, and therefore hath for the former obiect of her directiue power publike peace and dsquietnes, and humane iustice or iniustice whereby humane society and conuersation is preserued or disturbed; So all the actions of mankind must bee reduced and doe belong to one of these two powers and commonwealths to whom they are subiected, and by whom they must be directed, punished or rewarded, & likewise al obedience or subiection is reduced either to Ecclesiasticall & spiritual oobedience, or to politike, temporal, & ciuill obedience or Allegiance: in so much y if it cannot be proued y such an obedience is ciuill, it must be Ecclesiasticall, and if it cannot be proued that it is an Ecclesiasticall obedience, it must needs be ciuill, for all oobediēce is either Ecclesiasticall or Ciuil, & if it be y one, it cannot in the same respect be the other, for that these two obediences are distinguished of their own natures.

3 Spirituall Obedience is that which is due onely to the Popes spirituall authority, Ciuill obedience is that, which

which is onely due to the ciuill authority of *Kings and Princes*, who in matters meere temporal acknowledge no superiour in earth: so that to know what obedience is spirituall and due to the *Pope*, and what obedience is ciuill and due to temporall Princes, we must also know what authority the *Pope* hath, and what authority temporall Princes haue. That spirituall authority onely be longeth to the *Pope* which *Christ* hath given to *S. Peter*, and his Successours, as they are his Vicegerents, and Substitutes heere in earth, therefore all other authority, which *Christ* hath not giuen to *S. Peter* is ciuill, and must belong to temporall Princes: wherefore with the same certainty that we beleue *Christ* to haue giuen or not haue giuen to *S. Peter* such an authority, with the same certainty we beleue that authority to bee spirituall or temporall. So that if it be certaine that *Christ* hath giuen to *S. Peter* and his Successours authority to inflict temporall punishments by way of coercion, it is also certaine that this authority is spirituall, if it bee onely probable that *Christ* hath giuen to *S. Peter* and his Successours such an authority, it is also onely probable that such an authority is spirituall, and consequently it is also probable that the aforesaid authority is not spirituall but temporall, for if any opinion or doctrine bee onely probable, the contrary opinion must also be probable.

4 Fro this we may easily vnderstand the true meaning of that equiuocall proposition which *Suarez* bringeth a little beneath; *that to treat of the Popes authority, and to propound it to be sworne, or abiured, doth not appertaine to the ciuill or temporall power of the King, or to ciuill obedience due vnto him*. For this proposition may be vnderstood two manner of waies; first that to treat of the *Popes* authority in such sort as to define and determine certainly what authority *Christ* hath giuen or not giuen to the *Pope*, and to propound that authority which doth certainly appertaine to the *Pope* to be either abiured or sworne as onely probable, doth not belong to the Ci-  
uill

<sup>b</sup> Lib. 6. cap. 3.  
nu 4.

uill or temporall power of a King, who hath not authority to decide what power *Christ* hath given to the *Pope*; and in this sense the aforesaid proposition of *Suarez* is true. Secondly, the meaning of that proposition may be, that to treat of that power of the *Pope*, which is probably iudged not to be a spirituall power of the *Pope* but a temporall power of a King, and to propound it to be sworn as probable, so long as it remaineth probable, doth not appertaine to the temporall power of a King; and in this sense his proposition is vnttrue; for otherwise it should not appertaine to the ciuill power to treat of any authority which the *Pope* should chalenge ouer temporall Kings, or which some few Catholikes against the common opinion of others, should giue & attribute to the *Pope*: & consequently a temporall King could not cause his Subiects to acknowledge by Oath, that the *Pope* is not King of y<sup>e</sup> whole Christian world, & that he hath not a direct power & dominion in temporals ouer his Kingdom, which power neuertheles Card. *Bellarmino* himselte doth vehemently impugne as an inuention of man, and a vsurpation of ciuill power.

5 Neither doth a temporall King, when he treateth of the *Popes* power, which is probably thought not to belong to the *Pope*, but to temporal Princes, and therefore doth cause his Subiects to acknowledge by oath that it doth belong to him, and not to the *Pope*, (which considering that it is probable they may lawfully acknowledge) treat of the *Popes* power as it is accounted a spirituall power, & therefore belonging to the *Pope*, but as it is probably accounted a temporall power, & therefore belonging to the King. For a temporall King may by temporall right treatate, dispute, and maintaine that authoritie, which probably is thought to be a temporal, and not a spirituall authoritie. In like manner temporall Kings may forbid, and punish spirituall offences, not as they are spirituall but as they are temporall, wrongs, and disturbances of the publike peace in a ciuill

ciuill Common-wealth: and so they may punish heresies, and periuries, which are evidently knowne to be such not as they are spirituall, but as they are temporall iniuries, as I shewed before out of *Soins*, and *Baines*. And for the same cause they may compel their Subiects by temporall punishments to abiure heresies, which are cleerely knowne to be heresies, if such an abiuration vpon prudent and probable motiues be thought necessarie to the preferuing of publike peace and quietnesse in the Ciuill Common-wealth. But to define what proposition is hereticall, or to determine what authoritie is spirituall, and belonging to the Pope when it is called in question, doth exceed the limits of temporall or ciuill authority. I omit to examine at this present, whether the ciuill authoritie of Christian Kings may forbid and punish with temporal punishments spiritual crimes as they are spirituall, and hurtfull to the Church whereof they are by God appointed to be Protectours, considering that their office is to defend the Church, to root out heretikes and schismatikes, as Card. *Bellarmino* himselfe doth acknowledge. See aboue in this Disputation chap. 7. sec. 2. nu. 15.

6 Secondly, if thou wilt obserue (curteous Reader) that protestation, profession and acknowledgement, which those *thirteene reuerend, learned, and vertuous Priests* (of whom I made mention in this Disputation\*) did make of their loyaltie, and allegiance to our late *Queen Elizabeth* the fifth day of *November* in the year of our Lord 1602, thou shalt finde great coherence to be betwixt their profession and protestation, and this oath of Allegiance, and that almost all the principall exceptions, which *Suarez* taketh against this oath, may in like manner be taken against their profession and protestation. And yet those learned and vertuous Priests were fully perswaded, that the profession of that ciuill obedience & allegiance, which they did make to *Queen Elizabeth* being at that time both excommunicated &

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c Cap. 7. sec. 2.  
nu. 17.\* Cap. 3. sec. 3.  
nu. 10.



deposed by the *Pope*, did no way derogate from that spirituall obedience, which they did owe to the *Popes Holinesse*, and which also in that their profession they did in expresse words acknowledge. And because I would not haue thee to rely vpon my bare word, I thought it expedient to set downe their profession and protestation word by word as it lyeth, which is as followeth.

*Whereas it hath pleased our dread Soueraigne Lady to take some notice of the faith, and loyaltie of vs her naturall borne subiects Secular Priests (as it appeareth in the late Proclamation) and of her Princelike clemencie hath giuen a sufficient earnest of some mercifull fauour towards vs (being al subiect by the lawes of the Realme to death by our returne into the Countrie after our taking the Order of Priesthood since the first yeare of her Maiesties reigne) and onely demandeth of vs a true profession of our Allegiance, thereby to be assured of our fidelitie to her Maiesties person, Crowne, Estate, and Dignitie, Wee, whose names are underwritten, in most humble wise prostrate at her Maiesties feete doe acknowledge our selues infinitely bound vnto her Maiestie therefore, and are most willing to giue such assurance and satisfaction in this point, as any Catholike Priests can or ought to giue vnto their Soueraignes.*

*First, therefore we acknowledge, and confesse the Queenes Maiestie to haue as full authoritie, power, and Soueraignetie ouer vs, and ouer all the Subiects of the Realme, as any her Highnesse Predecessours euer had; and further we protest, that we are most willing and readie to obey her in all cases and respects as farre forth, as euer Christian Priests within this Realme, or in any other Christian Countrie were bound by the law of God and Christian Religion to obey their temporall Princes; as to pay tribute, and all other Regall duties vnto her Highnesse, and to obey her lawes and Magistrates in all ciuill causes, to pray vnto God for her prosperous and peaceable Reigne in this life according to his blessed will, and that she may heereafter attaine everlasting blisse in the life to come. And this our acknowledge-*

*ment*



must we think to be so grounded upon the word of God, as that no authoritie, no cause, or pretence of cause can or ought upon any occasion be a sufficient warrant more unto us then to any Protestant to disobey her Maie in any civil or temporal matter.

Secondly, whereas for these many yeares past diuers conspiracies against her Maiesties Person and estate, and sundrie forcible attempts for innading and conquering her Dominions haue been made vnder we know not what pretenses and intendments of restoring Catholike Religion by the sword (a course most strange in the world, and vnder taken peculiarly and solely against her Maiestie and her Kingdomes among other Princes departed from the Religion and obedience of the See Apostolike (no lesse then shee) by reason of which violent enterprises her Maiestie otherwise of singuler Clemencie toward her Subiects hath bene greatly moued to ordaine, and execute severer lawes against Catholikes (which by reason of their union with the See Apostolike in faith and Religion were easily supposed to fauour these conspiracies and innasions) then perhaps had neuer been enacted or thought upon, if such hostilitie and wars had neuer bene vnder taken, Wee, to assure her Maiestie of our faithfull loyaltie also in this particular cause doe sincerely protest, and by this our publike suit make knowne to all the Christian world, that in these cases of Conspiracies, of practising her Maiesties death, of innasions, and of whatsoever forcible attempts which hereafter may be made by any forraigne Prelate, Prince or Potentate whoeuer either jointly or severally for the disturbance or subuersion of her Maiesties Person, Estate, Realmes, or Dominions vnder colour, shew, pretence or intendment of restoring the Catholike Romane Religion in England or Ireland, Wee will defend her Maiesties Person, Estate, Realmes and Dominions from all such forceable and violent assaults and iniuries. And moreover we will not only our selues detect and reueale any Conspiracie or plot which wee shall vnderstand to bee vnder taken by any Prelate, Prince or Potentate against her Maiesties Person or Dominions for any cause whatsoever

uer as is before expressed, and likewise to the uttermost of our power resist them, but also will earnestly perswade, as much as in vs lieth, all Catholikes to do the same.

Thirdly, if upon any Excommunication denounced or to be denounced against her Maiestie, or upon any such conspiracies, inuasions or forcible attempts to be made as are before expressed, the Pope should also excommunicate euery one borne within her Maiesties Dominions that would not forsake the aforesaid defence of her Maiestie and her Realmes, and take part with such conspirators or invaders in these and all other such like cases, Wee in these and all such like cases doe thinke our selues and all the Lay-Catholikes borne within her Maiesties Dominions not bound in conscience to obey this or any such like censure, but will defend our Prince and Countrey accounting it our duties so to doe, and that notwithstanding any authoritie, or any Excommunication whatsoever either denounced or to be denounced as is aforesaid to geeld vnto her Maiestie all obedience in temporall causes.

And because nothing is more certaine then that whilstt we endeavour to assure her Maiestie of our dutifull affection and allegiance by this our Christian and sincere protestation, there will not want who will condemne and misconstrue our lawfull fact, yea and by many sinister suggestions and calumnies discredit our doings with the Christian world, but chiefly with the Popes Holinesse to the greatest praiudice, and harme of our good names and persons that may be vntil we maturely we preuent their endeavours herein, Wee most humbly beseech her Maiestie, that in this our recognizing and yielding Casars due vnto her, we may also by her Gracious leaue be permitted for auoiding obloquie & calumnies to make known by like publike Act, that by yielding her rights vnto her, we depart frō no bond of that Christian dutie which we owe to our Supreme spirituall Pastour.

And therefore we acknowledge and confesse the Bishop of Rome to be the Successour of Saint Peter in that See, and to haue as ample and no more authoritie or iurisdiction

ouer vs and other Christians then had that *Apostle* by the gift and commission of *Christ our Saviour*, and that we will obey him so farre forth as we are bound by the lawes of God to doe, which wee doubt not but will stand well with performance of our dutie to our temporall Prince in such sort as wee haue before professed. For as wee are most readie to spend our blood in the defence of her Maiestie & our Countrey so will wee rather loose our liues then infringe the lawfull authoritie of *Christs Catholike Church*.

*William Bishop.*

*Robert Drury.*

*John Colleton.*

*Antonie Champney.*

*John Mush.*

*John Jackson.*

*Robert Charnock.*

*Francis Barneby.*

*John Bosseuile.*

*Oswald Needham.*

*Antonie Hebborne.*

*Richard Button.*

*Roger Cadwallader.*

## Sect. II.

**T**Hese being obserued, *Snarez* in his sixth, & last booke examineth particularly all the chiefe branches of the oath, & after that in the first Chapter he hath set downe the true state of the controuersie, wherein we doe agree with him as I said before (alwaies vnderstanding the question of the modall and not of the absolute proposition as I also there declared) in the second Chapter hee deuideth the whole oath into foure parts, or paragraphs. The first is from the beginning of the oath to those words, *Also I doe swaare &c.* The second to those words, *And I doe further swaare.* The third to those words, *And I do beleue.* The fourth containeth all the other clauses vnto the end.

2 First therefore *Snarez*<sup>d</sup> obiecteth against those words [*our Soneraigne Lord King James*] that although these words being sincerely propounded and vnderstood doe seeme to containe expressly no other thing then the professiō

<sup>d</sup> Cap. 2. nu. 2.

of a temporall Dominion and Kingdome, neuerthelesse according to the intention of the speaker in an other oath neuer as yet recalled, and which is sufficiently knowne by the publike acknowledgement and writings of the King and according to the vulgar and receiued meaning in that Kingdome, those words [our Soueraigne Lord King Iames] doe signifie that he is supreme or Soueraigne simply, as well in spirituals, as in temporals; supreme, I say, positively in his Kingdome, because he is aboue all as well Ecclesiasticall persons as Lay-men both in temporals and also spirituals, and negatively in respect of the whole world, or of the Church, because hee acknowledgeth therein no Superiour: Seeing therefore that in this forme of the Oath the swearer is compelled to acknowledge in that manner the King as Soueraigne Lord, he is compelled couertly to confesse his Soueraign Primacie in great Britannie, and Ireland, and his exemption from al Superiour power, & consequently he is compelled couertly to abiure the Popes Soueraign spiritual power. So therefore in that only clause [our Soueraigne Lord] is contained something more then ciuil, & temporal obedience.

• Cap. 1. sec. 1.

3 To this obiection we haue already sufficiently answered, it being the very same which Grotius vrged. For neither the vulgar and receiued meaning of those words [our Soueraigne Lord] is, that he is supreme in all causes as well Ecclesiasticall as temporall, neither doth his *Maiestie* vnderstand them in that sense; neither would Suarez, if he had vnderstood our English phrase, haue vrged this argument. For that according to our manner of speech we make a distinction betwixt *Soueraigne*, and *Supreme*, although in Latin they are both expressed by the same word *Supremus*; and Soueraigne is an *Epitheton*, as the Grammarians terme it, to every absolute Prince, yea rather *King*, and *Soueraigne* are a kinde of *Synonimies* or words of the selfe same signification, therefore we vsually say [our Soueraigne] meaning thereby [our King] without adding King or Lord. Whereupon in the Oath it selfe of Supremacie it is not

said

said, that the King is *Souveraigne Gouverneur in all causes as well Ecclesiasticall as Temporall*, for those words doe sound but harshly, but *Supreme Gouverneur in all causes*, making a manifest distinction betwixt *Supreme & Souveraigne, Supremacie and Souveraignetie*. And although I doe not deny, but that the King doth perswade himselfe to be *supreme Lord* in all causes, and hath confirmed the law wherein his Subiects were bound by Oath to acknowledge the same when it should be demanded at their hands, yet we deny that his *Majesty* did intend that his Subiects should acknowledge the same in *this Oath*, wherein he intended to demand nothing more then the profession of naturall and civill allegiance, as we oftentimes haue declared heretofore.

## Sect. III.

I Secondly, *Suarez* f. excepteth mainly against those words [And that the Pope neither of himselfe, nor by any authoritie of the Church &c. hath any power or authoritie to depose the King and so forth] For who, I pray you, can say that by these words is only demanded of the Subiects such civill obedience, which Subiects owe to their *Souveraigne Princes*? Truly other Kings of the Church are no lesse *Supreme Princes* in temporals then is the King of England, and yet they doe neither exact such an obedience, neither doe they beleue that it is due to them from their Subiects. Therefore the King of England doth plainly shew, that he speaketh and thinketh of himselfe as of such a *Souveraigne or Supream Prince* who hath in earth no Superior at all, and that by this oath he demandeth of his Subiects this profession.

2. Besides, by those words is not so much *sworne* obedience to the King, as the Popes power is *abjured*, but to treat of the Popes power, and to propound it to be *sworne*, or *for-sworne*, doth not belong to the civill power, therefore those words doe plainly exceede the bounds of civill obedience,  
both

f Cap. 3. nu. 4.  
& seq.

both for that the words themselves as it is manifest by them, doe signifie something else besides ciuill obedience due to a King, and also for that the very exacting of such an oath and the imposing of an obligation to professe this or that concerning the Popes power is an Act of Iurisdiction more then ciuill, yea and superiour or not subiect to the Popes authoritie; because it doth not belong to a ciuill power to prescribe limits to a spirituall, especially which is supreme. Two manner of waies therefore (to declare the matter with Theologicall termes) the King by those words doth exact more then ciuill obedience, first in actu signato, by proponnding a matter not ciuill, secondly in actu exercito by using a power more then ciuill, and by compelling the Subiects to submit themselves vnto it, and by their profession to acknowledge it.

<sup>b</sup> Cap. 2. nu. 4.

3 Moreover B, by those words is proponnded a profession of a certaine error against the Doctrine approved by the vniuersall Church; for that it doth include this proposition, and the faith thereof, that there is not power in the Pope nor in the vniuersall Church to depose a baptized King in any case, or for any cause, or crime: But how false this proposition is, how disagreeable to the principles of faith, to the practise of the Church, and also to all reason supposing the Pastorall office which Christ hath committed to his Vicar, it hath beene sufficiently shewed in the third booke.

<sup>b</sup> Nu. 5.

4 Lastly, of the same nature<sup>b</sup> is another clause of this branch, wherein the King compelleth his Subiects to sweare, [that the Pope hath not power to discharge any of his Subiects of their obedience and allegiance to his Maiestie, or to giue leaue to any of them to beare Armes, to raise tumult, or to offer any violence or hurt to his Maiesties Royall Person, State or government. or to any of his Maiesties Subiects within his Maiesties Dominions.] Which clause is almost of the same nature with the former, & doth proceed from the same error, to wit, that the Pope hath no coercive power over a King by temporall violence, or other temporall punishments, which doctrine in the third



third booke we have shewed to be erroneous. Wherefore also in this clause there is propounded to be sworne more then ciuill obedience, and a spiritmall power is vsurped, and the Subiects are in the oath compelled to professe, and acknowledge it to be in the King. And lastly the power also of the Pope is abintred, and an error is sworne against the doctrine of faith.

5 Yea heere are included new errors: one is that the Pope hath not power to release Oaths, although a iust and reasonable cause doth concurre, which is against the custom of the Church, and against the practise and approbation of Generall Councells, cap. 2. de re iudicata in. 60. and against the consent of Catholike Doctors, and against the power to bind and loose given to S. Peter and so declared by the practise and custome of all Christian people, and moreover it is also against reason. For in like Oaths there is alwaies included either a secret condition, if the promise cannot be performed without notable hurt, and danger to the swearer, but especially when that danger or hurt proceedeth through the wrong and violence of him, to whom the promise is made; or else the rights and power of the Superiour is vnderstood to be reserved, who can, notwithstanding the promise made by the subiect, forbid him to performe that thing which he promised, if a iust and reasonable cause doe occurre, and consequently can release the Oath by forbidding the matter. Lastly this error supposeth the former. For if the Pope hath power to depose the King, of necessity he hath power to take away the bond of obedience and of the Oath, because obedience is not promised to Iames, as hee is Iames, but as he is King, whereupon if hee cease to be King, forthwith no obedience is due vnto him, and presently the Oath doth not bind; for the master of the Oath, being taken away, consequently the obligation of the Oath must of necessity be taken away.

6 An other new error is, for that not onely the Popes power to depose an hereticall King is denied, but also to constrain his Subiects by such like punishments, as appeareth

Nu.7.

Nu.8.

by those words [or to any of his Maiesties Subiects] For the sense of those words is not, that the Pope hath power to authorize at his pleasure and without a reasonable and iust cause, compelling him thereunto, any ferraime Prince to invade or annoy him or his Subiects, &c. But the meaning of those words is, that the Pope hath not power to offer any violence or hurt either to the King or to his Subiects, nor to give license to any other to doe any such like thing against the Subiects of the King of England, although they be Apostataes and Rebels to the Romane Church, and sowers or fauourers of Schismes, and Heresies, which is a great and new error, or doubtlesse the same of the Kings Spurematick explained. For what other thing is this then to professe the Subiects of the King of England to haue no other Superior in earth besides the King himselfe, and that they can not be constrained or punished for their crimes by any other, although they be pernicious to other Catholikes, and so the Church of Christ. Therefore by all these clauses either expressly enough, or at the leastwise covertly is denied and assured the supreme power of the Pope & giuen to the King. Whereupon it is concluded that both it is false that there is nothing in this Oath demanded besides the profession of civil and temporall Obedience, and that contrariwise it is most true, that this Oath is mixt, and doth virtually containe what soever was propounded to bee sworne in the former clauses. Neither do I see what can be answered to these reasons with any shew of probability.

7 To this obiection I haue already sufficiently answered, by fully satisfying all the arguments which Suarez hath brought, to proue that the doctrine for the Popes power to depose Princes is certaine, whereon this whole obiection of Suarez doth principally depend. For in this Oath is onely demanded that Obedience, which is probably thought to be civil, and consequently to be due to all temporall Princes. And although at this time other Christian Princes doe not demand it, for that they haue not the like cause which his Maiestie hath,

hath, yet considering that it is a thing probably due vnto them, it being not as yet defined by the Church that it is a spirituall obedience and due to the *Pope*, but probably defended by many Catholikes that it is a temporall Obedience, and consequently due to all temporall Princes, they may demand it of their Subiects, and compell them to acknowledge the same as probable, whensoever they shall prudently iudge such an acknowledgment, being in it selfe lawfull, to be necessary to the preservation of themselves and of their temporall State. What other Kings do think concerning this point can hardly be knowne, but that almost all absolute Princes haue hitherto thought that hee had no such power, when he would put it in execution, by deposing them, by all Stories it is euident.

8 Neither doth his Maiesty in this Oath prescribe limits to the *Popes* power, but doth onely bind his Subiects to acknowledge that power to belong probably vnto him, which by Catholike Doctores is thought probably to be his owne power, and to appertaine to him, and which his Subiects with a probable and safe conscience may acknowledge, and consequently hee doth onely compell his Subiects to acknowledge not directly, but indirectly and secondarily what limits are probably by Catholike Doctores prescribed to the *Popes* power; For his *Maiesty* doth not treat of the *Popes* power, as it is the *Popes*, without any reference to his owne power, but he doth principally and directly treat of his owne & all Regall authority as it is thought probably to bee his owne, and to belong to all temporall Princes, & secondarily, for that it cannot be both a ciuill and a spirituall power, and belong both to the *Pope* and also to temporall Princes, as I haue shewed in the first section, he treateth also of the *Popes* power not positively what power doth belong to the *Pope*, but what power doth belong to temporall Princes, and so negatively what power doth not belong to the *Pope*. And

truly to me it seemeth a paradox to affirme, that a temporall Prince cannot treat what power doth not belong to the *Pope*, for so a King could not compel his Subiects to acknowledge that the *Pope* is not King of his kingdom, nor direct Lord of his Dominions, & that he hath not authority to create Dukes, Earles or Barons in his kingdome, nor to giue leaue to any man to hunt in his Parkes, and such like, for if hee doe treat of ciuill power he must of necessity negatiuely treat of spirituall, seeing that it cannot be in y<sup>e</sup> same respect ciuill & spirituall.

9 Wherefore his Maiesty doth no way in this Oath exact more then which is probably thought to be ciuill Obedience, either *in actu signato*, by propounding a matter, which is not probably thought to be ciuill, or in *actu exercito*, by vsing a power more, then which is probably thought to bee ciuill, or by compelling his subiects to acknowledge any other power then which is probably thought to appertaine to all temporall Princes. Neither can this doctrine of deposing Princes by the *Popes* authority, or of releasing Subiects of their obedience, or of punishing them with temporall punishments by way of coercion, as due to the *Pope* by the institution of Christ, be prooued to bee certaine, as by answering all *Suarez* arguments, I haue sufficiently shewed; Neither in this Oath doth the swearer acknowledge, that the *Pope* cannot release Oaths in generall, but onely this Oath of Allegiance, nor that he cannot punish at all wicked Princes or Subiects, but onely that hee cannot punish them with temporall punishments in that manner as I haue declared, which profession and acknowledgement is neither repugnant to Scriptures, Councells, Canons, or practise of the vniuersal Church, as in the first part I haue shewed more at large. Neither is the swearer compelled to acknowledge the faith of this Doctrine, if *Suarez* meane a supernaturall beliefe, but onely to professe, testifie and declare his opinion, and what with a morall credulity he be-

belieueth concerning the aforefaide doctrine. Wherefore by none of these clauses either exprefly or covertly is denied the Popes supream power and giuen to the King which is certainly knowne to be the Popes power, but onely that power which is probably thought to belong to all Kings, and consequently not to the Pope is acknowledged and professed in this Oath: And whether these answers bee probable or no, I remit to the iudgement of any indifferent Reader.

## Sect. III.

**I**N the second part of the Oath which beginneth from those words [*also I doe sweare*] Suarez<sup>1</sup> affirmeth first, *that there is almost nothing contained therein different from the former, but all those things concerning the Popes power, which are abjured in the former, are in this second part more exprefly declared, and abjured.* And the summe of his discourse he concludeth<sup>m</sup> with this; *that by these words of the Oath is cleerly demanded of the Subiects not onely ciuill Obedience, but also the profession of this error; that the Pope hath not power and Iurisdiction to giue sentence of deposition against the King for any cause whatsoever; and that therefore the Subiects doe sinne most grievously in taking this oath.* For he that taketh this Oath doth either beleene, or not beleene that which he outwardly professeth, if he doth beleene, he is in heart and deed a schismaticke, and doth erre in doctrine of faith, if hee doth not beleene that which he professeth, he sinneeth against the confession of his faith, and against the religion of the Oath, whether he sweareth without intention or with intention to performe, that which hee sweareth to performe, for that by the former way he is forsworne, and by the latter he maketh the Oath to be a bond of iniquity, and purposeth rather to obey men then God by promising to obey the King against the Popes sentence and command.

**2** And the like discourse hee maketh<sup>n</sup> concerning those words [*notwithstanding any absolution of the saide*

1 Cap. 3. nu. 1.

<sup>m</sup> Nu. 3.<sup>n</sup> Nu. 6.



Subiects] For these words doe also exceed politicke obedience, because that a Pope can or cannot absolue from an Oath is not a matter of ciuill obedience, but it is an Ecclesiasticall matter belonging to the interpretation of the power to bind and loose granted to S. Peter by Christ our Lord. And besides these words haue connexion with the former, and doe containe the same error. Because the obligation of obedience in any degree or state what soeuer doth so long endure in the subiect, as the dignity or power and iurisdiction doth endure in the Superiour, for these are correlatiues and the one dependeth on the other. So therefore if the Pope can depose the King, he can also absolue his subiects from their obedience, therefore at the least there is equall error in abiuring euery sentence of deposition giuen by the Popes authority. I adde also that there is a new error included in this later part, because the Pope without deposing a King from his kingdome may command the subiects not to obey a King, who is obstinate in any error or any publicke or scandalous crime, and to absolue them for that time from the Oath of obedience by way of suspending the obligation: which Suarez more fully doth declare beneath: For two manner of waies, a peruerse and a rebellious King against the Church and Religion, may bee deprived by the Pope of his Regall authority, & his Subiects absolved from their Allegiance, one way of the vse onely and by a manner of suspension, an other way of the propriety and dominion & by a manner of deposition.

o Cap. 6. nu. 13

Suarez cap. 6.  
nu. 14.

3 The first manner of deprivation is intrinsically included in the bond it selfe of Maior excommunication, as Pope Gregorie the seventh doth teach in cap. Nos sanctorum. 15. q. 6. Where he saith: Wee keeping the decrees of our holy Predecessors doe by Apostolicall authority absolue those who either by Allegiance or Oath are obliged to excommunicated persons, and wee altogether forbid that they do them no loyalty vntil they come to make satisfaction. By which words Pope Gregory doth not so much make a new prohibition, as declare that, which



is made by vertue of such a Censure. For that censure doth deprive not only of sacred but also of Civill cōmunication in all those things & cases, which are not excepted by the Law, but in this there is not only made any exception but also the prohibition is declared. And that it is not an absolute deposition, but as it were a suspension it appeareth by the limitation there adioyned, [vntill they come to make satisfaction] for by this it is manifest that the aforesaid absolution is not perpetuall, but during that obligation. But because those last words are said not to be in a Manuscript found in the Vaticane, the like decision with that expresse declaration is made by Pope Paschalis the second in c. Iuratos. 13. q. 6. quamdiu excommunicatus est, as long as he is excommunicated, and the like limitation is found in cap. ultimo de penis.

4 Neither doth the Kings objection make against this, (because excommunication is a spirituall censure, & therefore depriving of Iurisdiction or of temporall power even by taking away the use and by a kind of suspending doth exceed the limits thereof) For we denye his consequence. For although Excommunication be called a spirituall censure either by reason of the principall matter and end thereof; or because it proceedeth from a spirituall power, yet as the power it selfe although it be spirituall is indirectly extended to temporalls, so also the censure of Excommunication is in the same manner both spirituall, and is indirectly extended to temporalls, for it doth deprive not onely of Sacred but also of civill and humane cōmunication, as it is manifest by the institution thereof and by the practise of the Church approved by perpetuall tradition and founded in Scripture. For 2. Jo. 1. 11. it is said, Neque Ave ei dixeritis, Doe not say vnto him, God save you, and Paul 1. Cor. 5. with such a one doe so much as to take meate. And the reason he insinuateth in the same place, when he saith, I have iudged, &c. To deliver such an one to Sathā for the destruction of the flesh that the spirit may be saved in the day of our Lord Iesus Christ. So therefore by excommu-

nication a man is vexed also in temporalls and corporalls, that vexation may give understanding that he may leave off to disobey.

Suarez. cap. 6.  
nu. 16.

p cap. 6. nu. 13.

§ But the other manner of priuation by wayes of deposition from the kingdome, or from other temporall authoritie, and consequently with a perpetuall absolution of the Subiects from civill Allegiance and obedience, is not indeed a proper and an intrinsecall effect of Maior excommunication, if nothing else bee added, but it is adioyned unto censures by way of a particular punishment, when the offences of Princes doe compell Popes to use that severity, which use hath beene sufficiently prooved by vs in the third booke, & Seeing therefore that the Catholike Church doth teach both these kind of deprimations by vertue of excommunication and by sentence of deposition, and it is as certaine that the Pope hath authority to depose as he hath authority to excommunicate, although an expresse abiuring of the Popes power to excommunicate is not contained in this Oath, yet a hidden and virtuall abiuring thereof is contained.

6 Here Suarez as you see hath made a long discourse to proue this second part of the Oath to bee vnlawfull, and yet he confesseth that there is almost nothing contained in this part which is different from the former, but that all those things which are abiured in the former concerning the Popes power, are more expressly declared and abiured in this part, and therefore the same answer which wee brought to the former obiection will in like manner satisfie this. For as it is no error inwardly to beleue (speaking of a morall credulity and a probable perswasion) that the Pope hath no power to depose Princes, and consequently neither to absolue Subiects of their Allegiance, so also it is no error or offence outwardlie to professe the same. Neither hath Suarez in his third booke, to which hee so often remitteth his Reader, sufficiently prooved (as by the answers which I haue brought to his arguments doth cleerely appeare) that it is either a point of faith or an vndoub-  
ted

ted doctrine, that the *Pope* hath by Christ his institution authority to deprive Princes of their Regall power and authority to raigne; either for a time by vertue of excommunication, and by a kind of suspension (call it as you will) or by sentence of deposition for ever: and consequently neither is it certaine, that he hath authority to discharge subiects of their Allegiance either wholly or for a time, seeing that, according to *Suarez* doctrine before related, a power in a Prince to command, and a dutie in the Subiects to obey, or, which is all one, Regall authority, and submissive obedience are correlatiues, neither can one be without the other: and therefore neither is he who holdeth this doctrine to be probable, (seeing that it is maintained by many learned & vertuous Catholikes, as I haue shewed before) to be accounted a schismaticke, or hereticke, or to erre in doctrine of faith, as *Suarez*, too too rashly affirmeth, and which with demonstratiue arguments hee will neuer in my opinion be able to conuince.

7 And although it doth not appertaine to ciuill obedience, as I shewed before, to acknowledge positively what power belongeth to the *Pope*, either concerning his power to absolve from *Oaths* or otherwise, (for that his power is spirituall and exceedeth the limits of ciuill authoritie) yet it doth appertaine to ciuill obedience, to acknowledge that temporall power which belongeth to the *King*, and consequently to acknowledge what power doth not belong to the *Pope*, considering that the same power which is ciuill, and therefore belonging to the *King*, cannot bee spirituall and belonging to the *Pope*. And so in this Oath the Subiects are not compelled to acknowledge that the *Pope* hath not power to absolve from *Oaths* in generall, but onely from the *Oath of Allegiance*, for that the acknowledging, denying and also the dissolving of temporall Allegiance is by Catholike Doctors thought it to bee a temporall and not a spirituall cause. In

like manner *Suarez* might affirme, that a temporall Prince cannot compell his Subiects to sweare their temporall Allegiance, for that' an *Oath* is an act of Religion, and consequently a spirituall cause, and therefore not belonging to temporall Obedience. But these and such like are narrow shifts: for no Catholike will deny, that although an Oath beeing taken precisely by it selfe be a spirituall act, yet as it is a confirmation of a ciuill contract, and of ciuill Allegiance, it is a temporall cause and may be exacted by ciuill authority, and if it bee broken, also punished by the ciuill Magistrate with temporall punishments.

8 Now concerning that new error which *Suarez* affirmeth to be contained in the later part of this branch, we affirme, that it is no error but a probable doctrine of many Catholikes, that the *Pope* hath no authority by Christ his institution to depose Princes, and consequently neither to absolve Subiects of their Allegiance either for a certaine time or for euer, either by vertue of Excommunication, or by sentence of deprivation, neither is that true, which *Suarez* doth so confidently auerre, that in the bond of *Maiores excommunicationis* intrinsically included the discharging of Subiects of their Allegiance, as is manifest by the definition of excommunication, which he himselfe assigneth, & which is this. *Excommunication is an Ecclesiasticall censure whereby one is deprived of the Ecclesiasticall Communion of the faithfull*; wherefore Excommunication according to *Suarez* owne definition doth intrinsically and of it own nature only deprive one of Ecclesiasticall participatiō, as of Sacraments and other holy rites, & not of ciuill conuersation and much lesse of temporal Allegiance, which Subiects by the Law of God do owe to their lawfull Prince. And this is cleerely signified by those words of holy Scripture, *and if hee will not heare the Church, let him be to thee as the Heathen and the Publicans*, for wee are not forbidde by the Law of God to conuerse ciuilly with

9 Tom. 5. disp.  
8. sec. 1.

10 Matth. 18.

with Heathens or Publicanes, vnlesse some spiritual danger, which by the Law of God and nature is forbidden, and which wee are bound to auoid, should arise thereby. Neither did *S. Paul* when hee forbad to *keepe company and to eat with a fornicator, a conetous person, a seruer of Idolls, a railer, a drunkard or extortioner*, nor *S. Iohn* when he commanded, *that wee should not salute an heretike*, as most Expositours doe interpret, did excommunicate those persons, but onely forbad that we should not conuerse with them, if our conuersing with them were a scandall to the weake, an encouragement to them to continue still in their wickednesse, or a danger to be our selues peruered by them, as *S. Thomas* expoundeth that place: out of these three cases the holy Scripture doth not forbid vs to conuerse ciuilly with notorious sinners, yea although they bee heretikes.

9 But we must with all remember, that as the Apostles commanded, that wee should not conuerse with notorious sinners, lest that we should seem to communicate in their wicked deeds, so also they commanded seruants to obey their Masters, children their parents, and subiects their temporall Princes, although they were wicked, yea and infidells, (for then there were no Christian Kings at all.) Now I would gladly know of *Suarez*, whether if a master, father, or Prince bee excommunicated, their seruants, children and subiects are by the Law of God forthwith discharged of that seruice, obedience, and Allegiance which by the law of God they did owe to them: Certaine it is that according to his owne doctrine, and according to that definition of Excommunication which out of him we did relate, they are not freed of that dutie wherein by the Law of God they stand bound to them as to their superiours, and therefore he speaketh very improperly when he affirmeth, that discharging of Subiects of their Allegiance is *intrinsically* included in Maior ex-

Cap. 3. sec. 5.  
nu. 3.

communication. It remaineth therefore that the discharging of Subjects of their Allegiance can onely for that cause bee said to bee included any way in the sentence of excommunication, for that the Church excommunicating a Prince doth thereby take away from that Prince his regall authority, and consequently release the Subjects of their subiection, for as before<sup>f</sup> we shewed out of Cardinall *Beilarmine*, and *Suarez* also confesseth the same, obedience and subiection is by the Law of God due to every lawfull Prince. So that there is no new error as *Suarez* affirmeth, but the same principall question remaineth which was before, whether the Church hath authoritie to chastise Princes with temporall punishments; for if she hath no such authority, she cannot by vertue of Excommunication inflict such a temporall punishment, considering that by the Law of God no such punishment is annexed to Excommunication, which beeing onely a spirituall censure cannot of it owne nature according to *Suarez* definition deprive one of ciuill but onely of Ecclesiasticall conuersation: and this was the meaning of those words of his *Maiestie*, whom *Suarez* hath not sufficiently confuted. For when his *Maiestie* affirmed, that excommunication is a spirituall censure, hee did not onely meane that it proceeded from a spirituall power, and tended to a spirituall end, but that it is by the Law of God and of it owne nature, as *Suarez* himselfe defineth it, a meere spirituall censure or punishment onely depriving one of the Ecclesiasticall communion of the faithfull, & therefore doth not extend to temporall punishments as it is instituted by our Sauour Christ.

10 And if *Suarez* reply, that although by *Christ* his institution Excommunication hath only this spirituall effect to deprive one of the Ecclesiasticall Communion of the faithfull, yet *Christ* hath left in the power of the Church to annexe vnto Excommunication other temporall effects and punishments: We answere that



that this is very true, but with all that those effects or punishments must be such, which the Church hath authoritie to inflict: but whether the Church hath power to depose Princes and to inflict temporall punishments by way of coercion, is the maine question which is now in hand: I say *by the way of coercion*, for no doubt the Church hath power to command certaine temporall things and so annexe them to Excommunication, as not to eate, drinke, salute, nor to have any ciuill conuersation with excommunicated persons out of those cases wherein by the law of God they are not bound ciuilly to conuerse; and so the Church may command one to fast, to giue almes and such like, when it is necessarie for the saluation of soules, but if notwithstanding the command of the Church we do conuerse with such persons, we do not fast, we do not giue almes and such like, what then can thy Church do? Many Catholike Doctours, as I related before out of *Gerson* and *Almainus*, doe probably thinke that her power doth not extend to inflict temporall punishments, no not so much as to imprison, but that the last punishment which shee by Christ his institution can inflict is Excommunication or some such like spirituall censure. I say, *by Christ his institution*, for seeing that temporall Princes haue giuen to the Church either expressly or virtually many temporall priuiledges, all those punishments which depend on these, shee may also annexe to excommunication. But to command Subiects not to obey their temporall Prince, and to absolue them from that obedience which is due to temporall Princes by the law of God and Nature (for Regall authoritie in a Prince, and ciuill obedience in the Subiects are correlative as  *Suarez* before affirmed) the Church hath no authority, vnlesse shee hath power to depose Kings and to make them no Kings, which whether shee hath any power to doe, is the principall controuersie which is now in hand. To those two Canons *Nos Sanctorum*,

<sup>t</sup> Cap. 6. sec. 3.  
nu. 12. & seq.

& *Inrator*, which *Suarez* bringeth for his maine ground to proue that the *Pope* may for a time at least wise absolute Subiects of their allegiance, I haue sufficiently answered heretofore <sup>t</sup>, which answer may also be applied to that last Chapter *de pœnis*.

II And whereas *Suarez* affirmeth, *that Excommunication doth deprive not only of Sacred, but also of ciuill and humane communication, as is manifest by the institution thereof and by the practise of the Church approued by perpetuall tradition*, wee grant that the Church by the way of command may as I said before forbid one to communicate ciuilly with an excommunicated person, out of those cases wherein hee is not otherwise bound by the law of God to communicate, and this Doctrine is founded in holy Scripture; but, that this ciuill effect is annexed to Excommunication by the institution of Christ or the Apostles, wee vtterly deny, and the definition of Excommunication, which *Suarez* himselfe bringeth, doth manifestly shew the contrarie. Neither is it the practise of the Church approued by perpetuall tradition, that if a Prince bee excommunicated he is forthwith deprived of al humane Societie, and his Subiects commanded to void altogether his companie, as appeareth when Pope *Honorius* excommunicated *Aradius* the Emperour and Saint *Ambrose Theodosius*. We grant that of late yeeres since some *Popes* haue challenged to them power to depose Princes, and to discharge Subiects of their Allegiance, they haue annexed to Excommunication the aforesaid effect, but neither this opinion nor practise hath euer beene vniuersally receiued, but alwaies contradicted by Catholike Princes, Subiects and many learned men, and therefore it can not iustly be called the practise or the perpetuall tradition of the Church, as *Suarez* & others are pleased to stile it, to make this opinion for the *Popes* authority to depose Princes to be more plausible among the vulgar sort.

12 To conclude therefore, wee deny first that the

Catholike Church doth teach as a certaine Doctrine that shee hath authoritie to depriue Princes of their Regall authoritie either by sentence of deposition or by vertue of excommunication; and *secondly*, that it is as certaine that the *Pope* hath authoritie to depose as it is certaine that he hath authoritie to excommunicate; & I wonder that *Suarez* would aduenture so rashly to affirme the same: For many Catholikes haue ever and doe to this day deny the *Popes* power to depose Princes, who, neuerthelesse doe willingly grant that he hath power to excommunicate them, neither are the grounds to proue the one and the other alike, seeing that excommunication is a spirituall punishment, and therefore agreeable to the nature of a spirituall Commonwealth, but deposition is a meere temporall punishment and therefore not so befitting the qualitie and condition of a spirituall or Ecclesiasticall communie. And therefore in this second part of this oath is neither expressly nor couertly abiured the *Popes* power to excommunicate, nor any other his spirituall authoritie, which is certainly knowne to belong to him, as I haue before declared; and of this opinion were those *thirteene Reuerend and learned Priests*, who to *Queene Elizabeth* did make the like profession in those expresse words against which *Suarez* doth so greatly except.

13 Secondly, *Suarez* against those words of this second part of the oath [*And I wil do my best endeavour to disclose all Treasons which I shall know or heare of*] maketh <sup>u</sup> two obiections. The first is, that his Maiestie by the name of [treason] doth vnderstand not only that which truly and in very deed is treason, but also all that which in his iudgement and according to the errors of the former clauses is indged treason. Therefore although the King should by the *Pope* be lawfully deposed, and the Subjects absolved from the bond of their oath, and of their Allegiance, yet the King will call euery conspiracie of the Kingdome, or of the Common-wealth or of the Subjects to thrust out the

<sup>u</sup> Nu. 7. 8.

King

*King of his Kingdome, treason and a traiterous Conspiracie, whereas in very deede it is not so, but a iust defence, or a iust warre or punishment. Vnderstanding therefore treason in this sense, the exacting of such a promise is vniust, and it were dishonest and sacriligious to sweare it, both because it is not treason, as I haue said, for in that case is rather to be kept promise to the Commonwealth or to the communitie of Subiects being oppressed by force, then to the Tyrant who doth vniustly oppresse them, seeing that he is not now truly King; and also for that naturall secrecie, vnder which the knowledge of such a conspiracie is had, doth at that time bind, because it is of a iust thing and necessarie to the common good of the communitie, who doth iustly defend her selfe, and therefore a promise contrarie to that secret doth neither bind nor can be honest, and therefore neither can it religiously be sworne, wherefore those words, being taken by themselves and solitarily to say so, may be without all suspition, neuer thelesse as they are conioined with the former, they are to be auoided, for that this later sense seemeth especially to bee intended by the King.*

*Suarez nu. 9. &  
13.*

14 But to this obiection no other answer is required then to the former: for supposing that the Pope hath no authoritie to depose the King, nor to absolue his Subiects from their Allegiance, it necessarily followeth that all such conspiracies are true and proper treasons, and that therefore as I may lawfully acknowledge by oath, that the Pope hath no power to depose the King, so also I may promise to reueale all treasons and conspiracies, which are grounded vpon that false supposall that the King may truly be depriued of his Kingdome by the Pope. And in this sense also did those *thirtene Renowned Priests* vnderstand plots and conspiracies, when they protested to detect all such like Conspiracies.

14 The second obiection is, *for that it seemeth that I doe promise to reueale all treasons although I shall heare of them only by Sacramentall confession, and that this is the*

*the intent of the King and of those who denised this forme of swearing, may be gathered by this, that there is not among them any Sacramentall confession, and they make no account of the secrecie of this Sacrament, neither doe they make any difference betwixt that knowledge which is had by confession, and which is had other waies. And therefore seeing that the King doth exact of his Subiects a promise to reueale all treasons which they shall know of, Catholikes may iustly feare, yea and beleue, that it is demanded of them without any distinction, whether they know it by confession or otherwise, and whether the disclosing of the treason be ioyned with the disclosing of the Traisour, or with morall danger thereof. In which sense that forme doth exceede ciuill obedience, and doth include something against Catholike Religion. And therefore also for this cause the oath ought to be greatly suspected, and therefore Catholikes and prudent men may demand a farther declaration thereof, although for other causes they are bound simply to refuse it.*

15 To this obiection we answer, that this manner of arguing, which the impugnors of the oath do commonly vse, is not to be approued: to wit, *The King beleueneth that he is supreme Governour of this Kingdome in all causes as well Ecclesiasticall as temporall, therefore hee will bind his Subiects by those words [Soueraigne Lord] to sweare the same: Likewise, The King beleueneth that the Pope hath no power to excommunicate him, therefore hee will bind his subiects to acknowledge the same in this oath. Moreouer, The King beleueneth that those lawes are iust, wherein it is enacted that the comming into this Land of Priests made beyond the Seas by the Popes authoritie, as likewise reconcilings to the Pope are treasons and to be punished as in cases of high treason, therefore in this oath by the name of Treasons he will haue his subiects to acknowledge the same. We deny therefore that the King in this oath will haue his Subiects to acknowledge all that which he in his opinion thinketh to be true, or to doe*

that which a good Catholike may not with a good conscience doe; but the *King and Parliament*, as both of them haue publikely declared, only demand the acknowledgement of that allegiance, which euery faithful Subiect, although he be a Catholike, may by the law of God and nature giue to their lawfull Prince.

14. Wherefore neither the *Kings Maieftie* nor the *Parliament* doth binde Catholike Priests to reueale what they shall know by confessions, but so farre forth as by the law of Christ, and according to the vndoubted grounds of Catholike Religion, they are permitted: and therefore purposely perchance the *King & Parliament*, to giue as little occasion as may be, to Catholikes to except against the oath, doe exact of the swearer a promise to reueale all treasons, and make no mention at all of the reuealing of Traitors; for that all Catholike Diuines do acknowledge, as *Suarez* himselfe confesseth\*, that Priests are bound to reueale those treasons which they shall heare of in confessions; and this oath speaketh nothing of reuealing the traitours, but how farre Priests are tyed to conceale the traitour, or not to reueale the treason when there is danger that the traitour shal be reuealed, is an other question, of which the oath maketh no particular mention, Let Priests who are compelled to take the oath looke to that, it is sufficient that this obiection of *Suarez* doth nothing concerne Lay-Catholikes, for whose cause principally I composed this Disputation, and therefore they notwithstanding this obiection may lawfully take the oath; and doubtlesse those *thirteene* aforementioned *Reuerend Priests*, who protested to *Queene Elizabeth* to detect all plots, conspiracies, inuasions &c. knew right wel in what account was the Sacrament and secrecie of confession among Protestants, and neuertheless they little thought by their protestation to derogate any iot from the Catholike faith which they professed.

\* In this place.



## Sect. V.

1 Concerning the third part of the oath, which be-  
 ginneth from those words [*And I doe further  
 sweare that I do from my heart &c.*] Suarez examineth 7  
 three things. First, the Doctrine it selfe. Secondly, by  
 what authority this part of the Oath is exalted of the Sub-  
 iects. Thirdly, how much these words are repugnant to those,  
 wherein his Maiestie promisseth to shew, that there is no-  
 thing contained in this Oath besides civill Obedience. Con-  
 cerning the first, (after that Suarez hath made a long  
 discourse about the doctrine of killing of Tyrants,  
 wherein hee teacheth a very perilous, scandalous, and  
 desperate Doctrine, which I have before 2 related, to  
 wit, that both the Pope may give leave to any man to  
 kill a King after he be deposed, and that also the next  
 lawfull Successour may kill him, if otherwise he be not  
 able to depose him, which hee averteeth to be a true and  
 certain Doctrine) he affirmeth 3, that it is manifestly con-  
 vinced, that this part of the oath by reason of divers heads  
 doth containe an excessse of power, iniustice against good  
 manners, and an error against the true and Catholike Do-  
 ctrine. The first I prove: for by what authoritie doth the  
 King compell his Subiects to sweare that proposition as he-  
 reticall, which the Catholike Church hath not yet condem-  
 ned? And if the King doth say, that it is condemned in the  
 Councell of Constance, where doth he read in the Councell  
 of Constance that particule, [Princes excommunicated or  
 deprived by the Pope?] or that [by their Subiects or a-  
 ny other whatsoever?] Seeing therefore that these partic-  
 les added to that proposition do make it & the sense ther-  
 of far different, that proposition by a fallacious & deceitfull  
 inference is attributed to the Councell. But if the King  
 doth condemne that proposition not by the authoritie of the  
 Councell but by his owne authoritie, he exceedeth doubtlesse  
 and abuse the power which he hath not. And besides it  
 is admirable, that he oftentimes contemneth the Popes

7, Cap. 4. nu. 1.

2 Part. 1. sec.  
10. nu. 3.

3 Nu. 10.

power to define matters of faith, and yet he dare arrogate it vnto himselfe; for although hee doth not this in words, yet in deede he professeth it. Wherein also he little agreeth with himselfe. For in an other place in his Apologie he boasteth that he doth not coine new articles of faith after the manner of Popes. Finally seeing that he thinketh nothing to be of faith vnesse it be contained in holy Scripture, he ought to shew vs in what place of Scripture that proposition is condemned as hereticall, or the contrarie revealed by God, that it may be accounted for hereticall. Truly although Paul did say, Let euery soule be subiect to higher powers, he did neuer adde, let all men be subiect also to powers excommunicated or deprived by the Pope, neither can one be gathered frō the other, seeing that they are far different, not to say, as opposite, for a King deprived is not now a higher power. And frō hence I farther conclude, that the profession of that oath concerning this part is a certain confessio of Kingly authority & power both to cōdemne as his pleasure propositions as hereticall, and also to propound to the faithfull authentically what they ought to beleue as a point of faith, or to detest as hereticall, which in regard of the King is an excessse and a vsurpation of a spirituall power, and in regard of them who take the oath, is a certaine vertuall profession of a false faith.

Suarez nu. 31.

2 Besides, by the words themselves it doth most cleerly appeare, that the King in this oath doth not only exact ciuill Obedience or the swearing thereof. For to detest by oath a proposition as hereticall, doth plainly exceede ciuill obedience, which is of a farre inferiour degree then is Christian faith. Especially when such a precept is new in the Church, in such sort that the King doth not only compell a Christian Subiect to detest a proposition otherwise condemned by the Church (which a Catholike King obseruing due manner may sometimes doe) but also doth compell to detest a proposition which he newly again by his authoritie doth cōdemne, as now the King doth. Whereby it is also sufficiently proved, that this oath is vniust in regard of the King, because hee doth

doth many waies exceeds his authoritie, and so it is a violent compulsion and a usurpation of an other mans Iurisdiction: And in regard of the faithfull it is vnjust to accept thereof, both for this generall reason, because they should sweare either an unlawfull thing or an vntruth; for if they beleue that proposition to be hereticall only for the Kings authority, for this only it is damnable, and much more because that proposition, which is so condemned, is most true and certaine according to the true principles of faith, as hath bene proved in the third booke; but if they outwardly abjure that proposition, which inwardly they beleue not to be hereticall, they commit manifest periuire, as of it selfe it is euident: And besides this that proposition doth containe a peculiar and proper iniurie against the Pope, whose power and obedience for feare of man they doe deny.

3 Lastly, by these it is easily understood, that this part of the oath doth also include an erroneous Doctrine. One error is that the Pope hath not authoritie to depose an hereticall or schismaticall King, and who doth peruert and draw his kingdome to the same schisme or to the same heresie. For the profession of this error is principally and more directly made by those words then by others, as to euery reader it will forthwith appeare, and hath before bene proved many waies: The other error which truly in words is lesse expressed, yet in the sentence it selfe lyeth hidden and is virtually contained, is, that in these things, which do appertaine to the doctrine of faith and detestation of heresies, a temporal King may exact of his Subiects their faith also by oath. Yea also that in this the opinion of the King is to be preferred before the opinion of the Pope. Which truly is a certaine veruall profession of the Kings temporall Primacie in spirituall or Ecclesiasticall causes: for there is nothing greater in the Primacie of Saint Peter nor more necessarie to the conuersation and union of the Church then is a supreme authoritie, which the King of England doth in these wards arrogate to himselfe, therefore the profession of such an Oath is a manifest profession of schisme and error, there.

Sinclair nu. 22.

fore true Catholics are bound in conscience to refuse it.

<sup>b</sup> Cap. 5. sec. 2.

<sup>c</sup> Exod. 20.

<sup>d</sup> 1. Reg. 26.

4 To the first part of this obiection I haue before <sup>b</sup> in this Disputation giuen two answers: The first was; that the position contained in this branch is hereticall, to wit, *that it is in the free power of Subiects, and of any one whatsoever to depose, or if they wil, to murder Princes, who be excommunicated or deprined by the Pope:* And that this is the true meaning of that position contained in this branch, *That Princes which be excommunicated, &c.* according to the common vnderstanding of our English phraſe I haue declared in that place more at large. And to proue that position so vnderstood to bee heretical, I alleaged these two texts of holy Scripture, *Thou shalt not kill.* <sup>c</sup> *Kill him not,* <sup>d</sup> *for who shall stretch forth his hand against the Lord his annointed and be guiltlesse?* Neither doe I thinke that Suarez (although hee goeth too too farre in this point of killing Princes) dare presume to auerre that the Popes sentence of Excommunication or depriuation denounced against a King can be a sufficient warrant for euery man to kill that King; seeing that neither the sentence of Excommunication nor of depriuation (although wee should grant that the Pope hath authority to depose Princes) depriueth a King of corporall life, but onely of his right to raigne. Neither is it necessary to make that preposition to be hereticall that the Scripture should haue added, *thou shalt not kill Princes who be excommunicated or deprined by Priests or Bishops:* It is sufficient that all killing either of private men or of Princes is vnlawfull, and is by this precept forbidden, which is not warranted either in other places of holy Scripture, or declared by the Church to bee lawfull, and to haue sufficient warrant; now I would gladly know of Suarez, if hee will affirme, as I thinke he wil not, y<sup>e</sup> the aforesaid position, *Princes which be excommunicated, &c.* is not hereticall, where hee findeth that the Church doth giue sufficient warrat to euery man to kill

kill a Prince who is excommunicated or deprived by the *Pope*?

5 The second answer was, that I do not sweare the aforesaid position to be heretical, but as hereticall in that sense as I did there declare, which answer doth also sufficiently auoid the difficulty which *Suarez* here doth make. Wherefore his *Majestie* doth not arrogate to himselfe authority to condemne at his pleasure propositions as heretical, which are not hereticall, or to propound to the faithfull *authentically* what they ought to beleue as a point of faith, as *Suarez* wrongfully imposeth vpon him, for this indeede were an excesse of ciuill authority to attribute to himselfe power to define and determine any doctrine to be of faith, but he doth only compell his Subiects by temporall punishments, which are proper to the ciuill common-wealth, to abiure as hereticall that position which by all Catholikes is accounted as hereticall, which a Christian Prince, as it is probably thought fit and necessary for the preservation of himselfe, and of the temporall peace and outward quiernes in the common-wealth, may lawfully doe, as before I haue shewed more at large. And so neither the King in this Oath doth transgresse in exceeding his authoritie, neither the Subiects in making an expresse or vртуall profession of a false faith.

Cap. 6. sec. 2.

6 And so the answer to the second point is also manifest, it being almost a repetition of the former. For neither doth his *Majestie* compell his subiects to abiure as hereticall that which is not so, neither doe they beleue that it is so only for the Kings authority, but for that almighty God in holy Scriptures hath reuealed so, and by the common acceptance of the Church it hath ever bin vnderstood so: And that the *Pope* hath not power to depose Princes they beleue with moral credulity, for that many learned Catholikes doe teach the same, and for that the contrary hath not as yet by any man, nor by *Suarez* himselfe in his third booke bene sufficiently

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proved to bee certaine, as by my answers to his arguments may sufficiently appeare.

7 To the third point likewise wherein he scarce saith any thing which he hath not repeated before, wee haue already answered, that in this branch of the Oath is not abiured as hereticall the *Popes* power to depose Princes but onely to murder them in that sense as wee haue before declared: Neither is it an error to affirme that a Christian King may vnder paine of temporall punishments exact of his subiects by Oath a profession of some points of their Christian faith, when vpon prudent motives it shall be thought necessary to the preservation of the Kings person & of his State, for that spiritual things not as they are spiritual but as they are tēporal & necessary to the keeping of outward peace in the commonwealth, are subiect to the tēporall power, especially of a Christian King, by whō they may be punished, & consequently commanded or forbidden, for that the coerciue power in a Prince to punish supposeth the directiue power to command. Neither doe the Catholike Subiects preferre the *Kings* opinion before the *Popes*, only because the *King* saith so, but because in a matter disputable they may follow a probable opinion against the *Popes* opinion, although it bee the more probable vntill the contrary bee defined and determined by the Church. Seeing therefore that there is no heresie, error or any other vnlawfull thing contained in this oath euery true Catholike may with a safe conscience take it. And although the *Popes Holinesse* hath forbid the taking of the same, yet his precept beeing meerely declaratiue and either grounded vpon false information, or at the most vpon a probable opinion, it is neither schisme, nor sin to contradict it, as before<sup>f</sup> I haue more at large declared.

<sup>f</sup> cap.10.sec.2.



## Sect. VI.

1 **C**ONCERNING the fourth and last part of the Oath according to *Suarez* diuision, which beginneth from those words [*And I doe beleue and in conscience am resolu'd and so to the end*] *Suarez* affirmeth & that therein are contained almost all the same errors which are in the former, and that therefore scarce any thing remaineth to be added therunto. But because the same errors are partly declared and exaggerated, partly also the unlawfulnessse of the Oath is more increased, all the particular points are briefly to be noted, and so to be declared that they may easily be understood by all men. First therefore the Popes power is againe abused in these words [*And I doe beleue, and in conscience am resolu'd that neither the Pope nor any person whatsoever hath power to absolue me of this Oath or any part thereof.*] In these words is cleerely affirmed this proposition, the Pope hath not power to absolue the Subjects of a temporall King from the Oath of Allegiance. For that which is affirmed of this Oath is not for any peculiar reason thereof, nor for the dignity which is greater in the King of England then in other temporall Kings, as of it selfe it is euident and the King himselfe in his Preface doth plainly professe. And when it is said, The Pope hath not power &c. It is understood simply, that is, in no manner, for no cause, in no case, for this is signified by those words according to the plaine and common sense and understanding of them, in which sense the King himselfe a little beneath will haue the words of this Oath to be taken. Besides that by the end of the Oath and by the first part thereof it is manifest enough that this is the Kings meaning.

2 But so that proposition is hereticall, because it is against the power to bind and loose given to S. Peter as the Catholike Church hath alwaies understood it and practised the same. For so the Subjects of euery heretike whatsoever

Cap. 5. nu. 1.

Nu. 2.

in that by a lawfull sentence he is publicly denounced an heretike is forthwith absolved from the Oath of Allegiance by a decree of Pope Gregorie the ninth in cap. ultimo de hæreticis: and both the power and a most iust reason of that punishment S. Thomas doth declare 2.2. q. 12. ar. 2. In like manner by Urbanus the second in cap. ultimo. 15. q. 6. one is absolved from the bond of the Oath of Allegiance made to a Lord who is publicly excommunicated and denounced: and by Gregorie the seventh with the Roman Synode in cap. Nos sanctorum ibidem. Where the bond of the Oath is not altogether and simply taken away, but as it were suspended for that time, wherein he being excommunicated doth remaine obstinate in the censure. Which is otherwise, when a King or Prince is for heresie or other crimes deposed, and deprived of the dominion of his kingdome, for then the Oath is altogether taken away, & as it were made void, the matter thereof being taken away. And in this manner Innocentius the fourth with the Councell of Lyons did absolve all the Vassals of the Emperour Fridericke from the Oath of their Allegiance, and other examples haue beene before set downe, whereby the ancient and vniuersall meaning of the Church, which is the best interpreter of Scripture, is shewed. For if all lawes doe affirme that humane custome is the best interpreter of humane Lawes, wherefore shall not the vniuersall and most ancient custome of the Church, and the practise of such a power be also the best interpreter of Christ his Law, and of the power to bind and loose given to S. Peter? Which power the same Popes who haue used it haue with great authority and learning defended. Especially Gregorie the seventh lib. 8. Registræ epist. 21. and Innocentius the third in epist. ad Ducem Caringæ in cap. Venerabilem de electione, and Bonifacius the eight in the Extrauagant. Vnam Sanctam de Maiorib. at Obedientia.

Suarez nu. 3.

3 But if the King doth not beleue this proposition which is founded in Scripture, declared by authority of Popes and Councels, and hitherto received by common consent, by what right

right or by what authority will he compell all his subiects to beleene the contrary falsehood, and by word to affirme and by Oath to confirme the same? or how can they bee resolved in conscience, as it is said in the Oath, to beleene it and sweare without any other reason or motive, vlesse they beleene that the King with his Ministers hath greater authority to confirme his error and to exalt the beleefe of the same, then hath the Romane and vniuersall Church with the Romane Bishops, who by constant tradition and consent haue taught the same? But if the King doth intend this, and doth bind his Subiects to this beleefe he must needs acknowledge, that he doth not in this Oath contend only for temporall Iurisdiction, but for spirituall primacie.

¶ The which also I do evidently declare in another manner. For it is against naturall reason to say, that any man cannot be absolved from a promise confirmed by Oath, by changing the matter, and taking away and as it were making void the promise. For although one hath promised by oath to restore a pawne which he hath in keeping, if the other doth yeeld his right, he shall be freed from his oath. Whereupon if such a change should be made by a superiour power, the obligation of keeping his promise will equally be taken away, which also Triphon the Lawyer did acknowledge in leg. bona fide ff. Depositum saying, if one hath receiued a pledge with a promise to restore it to the owner, and the owner afterwards be condemned by the Iudge, and his goods shall be confiscated, hee that hath the pledge is freed from his promise to restore it to the owner, and it must be brought into the publike treasury. Because as he saith beneath, the nature of iustice doth require, that faithfulnessse, which is to be kept in a bargaine, is not to be regarded only in respect of them who made the bargaine, but also in respect of other persons to whom that which is done belongeth, which especially is true when the authority of a Superiour and the publike good do concur. Neither will the King, as I thinke, make any doubt to exercise the like power in his kingdome, by depri-

Nu. 4.

ning, for example sake, a subject of his goods, who is found to haue committed treason, and consequently by transferring to himselfe or to his treasure all the the actions and promises made vnto him (that traitour) or doubtles by making them wholly and simply void, or by pardoning or forgiving the debtors, by which it doth necessarily follow, that although they be confirmed by Oath, the debtors are absolved from the Oath. Therefore it cannot be denied, but that this manner of absolving from an Oath may bee iust and of validity, if in the absolver there be power to dispose either of the matter of the Oath, or of the right of the creditor, or owner, or to whom the promise was made. Therefore either the power to absolve vassals from an Oath made to a King, who is an heretike or pernicious to Christian Subjects, is most vniustly and against all reason denied to the Pope, or else it is denied vpon no other ground, but for that it is not beloued that hee hath power to chastise and punish temporall Kings. And so this part is reduced to the former, and doth manifestly containe a profession of an error against the Popes Primacie, and an hereticall assertion concerning the Kings Primacie, and of his absolute exemption from obedience to the Pope, especially for as much as concerneth his coactiue power by temporall punishments.

Nu. 5.

5 Lastly I will not omit to obserue ( because the King doth not speake generally of an Oath but of this Oath ) that it may in a true and Catholike sense, but contrary to the Kings meaning be said, that no man hath power to absolve the swearer from this Oath: because no man can properly be absolved who is not bound; but that Oath doth not bind the swearer, for that an Oath cannot be a bond of iniquity as that should be, and therefore no man can bee loosed from it. Neuerthelesse he may bee declared to bee absolved or not bound, which the Pope can doe by speciall authority, and he hath sufficiently done it, when hee declared the Oath to bee vnlawfull and contrary to eternall saluation. Whereupon also it cometh to passe, that in an other sense the Pope hath

hath power to absolve from this Oath now being taken, that is, from the sinne committed by taking thereof, so that sufficient repentance for the same, as a necessary disposition, doth goe before.

Nu. 6.

6 Secondly, in the same part is made a confession of a supreme kingly power in spiritualls and of his exemption from the Pope in these words, [which I acknowledge by good and full authority, &c.] and afterwards in these words it is confirmed by Oath, [And all these things I do plainly and sincerely acknowledge and sweare] For that the aforesaid confession is contained in these words, it is manifest first by these words [by full authority] for although the word [supreme] bee purposely omitted lest that perchance it should terrifie the simpler sort, yet the word [full] according to the Kings meaning, which by the whole discourse is sufficiently understood, is put for equivalent: for that Oath is not for any other cause said to be ministered by full authority, but for that there is no authority among men, which is of force to hinder it, to forbid it or to take it away, but this is a supreme power. Moreover seeing that the Oath it selfe is expressly against the Popes power, when it is added, that it is by lawfull authority fully ministered, it is cleerely signified, that Kingly power ministering an Oath is superiour or equivalent to the Popes power. Therefore that which the King in other places doth expressly professe, heere covertly and in the use it selfe of the power hee doth include. Whereupon he that consenteth to such an Oath, doth plainly sweare, that the act of an usurped power is the act of a lawfull power, which is manifest perjury, and contrary to the confession of Catholike faith. And finally the king is convinced also by these words, that he doth not exact in this Oath onely civill obedience, seeing that he demandeth a recognition and confession of his plenarie power to determine against the Popes power.

Nu. 7.

7 Thirdly in the last words there is added a new Oath of this tenour; [And I doe make this recognition and acknowledgement heartily, willingly, and truly vpon the faith

<sup>a</sup> In Apolog.  
pag.5.

faith of a true Christian : So helpe me God.] *Which is a new confirmation and repetition of the former errors, and not onely of an outward, but also of an inward confession of the same, that the swearer cannot bee excused either from mentall infidelity, or from periurie. And furthermore I doe weigh that particle [willingly] which doth include a manifest lye, which is sufficient that it cannot bee taken by Catholikes without periurie. For it is evident that they doe not willingly, but constrained by threatnings and terrors take the Oath. Because as the King himselfe did say a little before, <sup>a</sup> that by refusing the Oath they are miserably throwne into danger of loosing their liues and goods. How therefore can they truly sw:are that they take this Oath willingly? For that word [willingly] doth not signifie there enery will, or willingnes, but that which is not constrained by great feare and potent violence of man, and which the swearer would haue, although hee were not constrained; But Catholikes doe know that they haue not such a will or willingness, and the King himselfe is not ignorant of this, therefore in regard also of this head the Oath is wicked, which doth in this include periurie and ex-act it.*

8. These bee all the obiections which Suarez maketh against this last part of the Oath, & so consequently which hee maketh against all the particular clauses which are contained therein, which although I might haue put downe in fewer words, seeing that they are for the most part a repetition of the same things which he hath so often inculcated, yet least that the Reader should imagine, that by abridging or abreuviating his sentences, I should haue diminished any way the force of his arguments, which he bringeth to proue the Oath to be vnlawfull, I thought good to set them downe at large in the selfe same manner, as he in expresse words relateth them. His chiefe therefore and onely ground, whereon all his principall exceptions against the Oath doe depend, is, as the Reader by his whole discourse may



may easily perceiue, that it is hereticall and against faith to deny, that the *Pope* hath power to depose Princes and to absolve Subjects from their allegiance, and this he oftentimes repeateth that hee hath sufficientlie proued it in his third booke. But that hee hath not proued it by euident demonstrations, to which no probable answer can be giuen; I haue also before by answering all his arguments sufficiently shewed, and therefore all the inferences which hee deduceth from this ground to proue any particular clause of the Oath to containe in it heresie or errour, can bee of no greater force then is the maine ground it selfe whereon they doe depend. Wherefore, seeing that heresie is an errour contrary to God his holy word, either written or deliuered by constant tradition, and so declared to be by the Catholike Church, not probably onely thinking so, but firmly and certainly beleeuing or defining it to be so, we earnestly request *Suares*, as we haue already in this Disputation requested the Reader, that hee will bring but one onely place of holy Scripture, or one onely definition of the Church, or one onely Theologicall argument drawne from the holy Scripture: or any definition or tradition of the Catholike Church, and that he will insist thereupon and vrge it as much as he can, that Catholikes may cleerly, distinctly and particularly perceiue the maine ground whereon in this difficult controuersie of the *Popes* spirituall power to punish with all kind of temporall punishments by way of coercion, they are to build their faith vpon: and if it be so conuincing an argument, that I cannot glue to it any probable answer, I will presently yeeld and recall whatsoever I haue saide or written to the contrary. I know that he is able to bring probable, plausible and colorable reasons grounded vpon Scriptures or Councils, but this is not sufficient, as he knoweth right wel, to produce a diuine and supernaturall beleefe which is a most certaine and vndoubted knowledge.

<sup>1</sup> Part. 1. sec. 4.

<sup>2</sup> Part. 1. sec. 5.  
nu. 6.

9 Wherefore to his first obiection we answer as before, that as in the former clausēs of the Oath there is no heresie, error, or any vnlawfull thing contained, so neither is there in this part of the Oath any error declared or exaggerated, or the vnlawfulness of the Oath more increased. For it is not hereticall to hold, as wee haue often saide, that the *Pope* hath no authority by *Christ* his institution to depose Princes, & consequently to absolute subiects of their Allegiance: Neither neither is this doctrine against that place of Scripture, *Whatsoever thou shalt loose, &c.* Wherein authority to bind and loose with spirituall bonds, and loosings is giuen *S. Peter*, as I haue before declared. Also to those three Canons of *Pope Gregorie* the ninth, *Vrbannus* the second, and *Gregorie* the ninth, and likewise to the decree of *Innocentius* the fourth made against *Friderike* the Emperour in the presence of the Council of *Lyons*, not with the Council as *Suarez* affirmeth, I haue also heretofore <sup>k</sup> sufficiently answered.

10 Moreover we grant, that as humane custome is the best interpreter of humane Lawes, if it be a vniuersall custome and not contradicted by many, for otherwise it doth not sufficiently interpret any humane Law, so also the vniuersall and most ancient custome of the Church concerning the practise of any power is a good interpreter of *Christ* his Law, if this practise bee not by Catholikes contradicted. But this power of the *Pope* to depose Princes, and the practise thereof hath not been so vniuersally receiued, but that it hath beene euer contradicted not onely by the Princes themselves whome the *Popes* haue deposed, who alwaies haue mightily opposed against such sentences, as any man may perceiue by them who doe write of such Histories, but also by many learned Catholike Diuines, who denied that authority. Was not the very first practise thereof vehemently contradicted by *Henry* the fourth Emperour, who was the first Emperour that was deposed by *Pope*

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*Gregorie* the seventh, and by many learned Catholics in those daies, and so hath continued even vnto these times of *Henry* the fourth King of France, who was the last King against whom the *Pope* practised this authoritie? Was it not contradicted by *Albericus* a very learned Lawier, who therefore excepted against many such practises, and especially that of *Pope Innocentius* the fourth in the presence of the Councell of Lyons. Was it not also contradicted by *Iohn* of Paris, and those very many Doctours, as *Gerson* and *Almaine* do relate, who held that the *Pope* by *Christ* his institution had not authoritie so much as to imprison? was it not contradicted by those Schoolemen of whom *Trithemius* maketh mention, who held that the *Pope* hath not power to depose an Emperour, and hee himselfe affirmeth that the controuersie is not yet decided by the Iudge? And hath it not ever beene contradicted by the Kingdome of France if any credit may bee giuen to *Petrus Pitheus* whom *Possennine* the Iesuite doth greatly commend?

II And whereas *Suarez* affirmeth, that this hath beene a most ancient custome & practise of the Church, verily he might very well haue omitted that superlatiue [*most*,] for as *Otho Frisingensis*, *Godofridus Viterbiensis*, *Trithemius*, and *Onuphrius*, before \* related doe affirme, this practise of the *Pope* to depose Kings and Emperours began in *Gregorie* the seventh his time <sup>k</sup> about the yeare of our Lord 1077, and at that very time it was by *Sigibert* noted of noueltie, not to say, of heresie, for these are the expresse words of *Sigibert* <sup>l</sup>: And although some very late writers, as Cardinall *Baronius*, Cardinall *Bellarmino*, & *Schulckenius* are pleased vpon weak grounds to distaine his good name with that filthie crime of schisme, thinking perhaps thereby to diminish the credit of this ancient writer, who expressly doth contradict their opinions especially concerning the *Popes* authoritie to depose Princes; yet informer ages hee was not taxed of this crime, but was accounted a very venerable

\* Cap. 6. sec. 3. nu. 16.

<sup>k</sup> *Gregorie* the seventh the first of all the *Popes*, did against the custome of his ancestors depriue Cæsar of his Empire, saith *Onuphrius* lib 4. de variâ creatione Rom. Pontificis.

<sup>l</sup> In his Chronicle in the yeare 1088.

nable, learned, and religious writer; and of what reputation he was among all sorts of people both for his singular learning and vertue, *Anselmus* the Abbot of his Monasterie who doth continue his Storie, and the *Author* of the Historie of the *Abbots* of that Monasterie do giue sufficient testimonie.

12. To that which *Suarez* affirmeth, that this Doctrine hath with great authoritie and learning been defended by *Popes*, especially by *Gregorie* the seventh, *Innocentius* the third, & *Bonifacius* the eighth, we answer, that the authority, whereby the *Popes* haue defended this Doctrine, was indeed great, as appeareth by the seuerall censures against the *Emperours* themselves, and those also who should obey them after they were deposed by the *Pope*: we grant also, that the learning of those *Popes* was great, but withall we must confesse that those *Catholikes*, who contradicted that power, were also men of great learning, and that the reasons which those *Popes* haue brought are not so conuincing, but that probable answeres may be giuen vnto them, as any man of learning who readeth there writings and decretall Epistles will easily perceiue: And concerning that Epistle of *Pope Gregorie* the seventh, *Sigebert*, who in former ages was accounted a man of great fame, learning and good estimation affirmeth, that he himselfe by strong arguments drawne from the authoritie of the *Fathers* did confute that Epistle of *Pope Gregorie* the seventh which he wrote to the *Bishop* of *Mets* in reproch of *Kingly* power.

Also we will not deny that *Pope Innocent* the third, and *Pope Bonifacius* the eighth, (of whose opinion, what *Iohannes Tilius* *Bishop* of *Meldune* in his *Chronicle* affirmeth I haue before<sup>m</sup> related) did thinke, that they had authoritie to depose *Princes*, but doubtlesse that reason which *Pope Innocentius* bringeth in that chapter *Venerabilem*, affirming that the *Romane Empire* was translated by the *Pope* from the *Grecians* to the *Germanes*, is not forcible; because that translation was done indeed partly

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<sup>m</sup> Cap. 10. sec.  
3. nu. 48.

by the *Popes* authoritie (as being the chiefe and principall member of the Empire in the Westerne parts, who at that time had only in name and not in deed any Emperour, as in my Apologie <sup>n</sup>, I shewed out of *Lupoldus* and *Coccinius*,) but it was not done only by his authority, but also by the consent, suffrages, and authoritie of the people, as out of Card. *Bellarmines* owne grounds I proued in that place: And concerning that which Pope *Bonifacius* in the aforesaid *Extravagant* auerreth, wee also doe acknowledge, *that the sword is under the sword*, and *that the temporall power is subiect to the spirituall*, and *that all Christians are subiect to the Pope*, which is all that he in that place affirmeth, but this subiection is to be vnderstood in that manner as I before <sup>o</sup> declared in this disputation in answering an argument of *Suarez*, who doth there alledge this authoritie of Pope *Bonifacius*.

<sup>n</sup> Nu.413. &c.

<sup>o</sup> Cap.3.sec.1.  
nu.13.

13 Neither doth his *Maiestie* compell his Subiects to *beleene* with a *supernaturall beleefe*, that the *Pope* hath no such authority to depose Princes and to absolve Subiects from their allegiance, but only to make an externall profession of their inward *morall credulitie* and perswasion, that the *Pope* hath no such authoritie, which being a thing credible, may by them with a safe conscience be acknowledged; and being with all probable, that this right, liberty, and freedome of absolute Kings, to wit, not to be dependent of the *Pope* in temporals, nor to be punished by him with temporall punishments is a temporall right granted to all absolute Princes by the law of God and nature, they haue good and full authoritie to compell their Subiects to acknowledge the same, as the acknowledging thereof is thought prudently to be necessarie to the preservation of themselves and of quietnesse in the Common-wealth. Neither do the English Catholikes therefore *beleene* (speaking of morall credulitie) that the *Pope* hath no such authority for that the King with his Ministers doe hold the same,



but because it is in it selfe probable, and many learned Catholikes for probable reasons and motiues, which with inuincible arguments cannot be conuincied, are of that opinion.

14 Wherefore that declaration of *Suarez* concerning the absolving of oaths by way of irritation and taking away the matter is of no greater force, then what hee hath said before, for that it is no error to hold, as often hath beene said, that the *Pope* hath no power to punish *Princes* temporally by way of coercion. And so this part of the oath is reduced to the former, and doth not containe a profession of any error against the *Popes* spirituall Primacie, or any acknowledgement of the *Kings* Primacie in spirituals, or of his absolute exemption from all obedience to the *Pope*, but onely in those causes and matters which probably are thought to be temporall and not to belong to the *Popes* spirituall power, as is power to depose *Princes* and to absolute Subjects from their allegiance.

15 Finally, concerning that which *Suarez* in the end of this obiection affirmeth, that the *Pope* hath power to absolute the swearer from this oath for two respects, *the one* for that the oath is vnlawfull, and so bindeth not the swearer, *the other* for that he can absolute from the sinne committed, there needeth no other answer then hath beene already alledged, for that the first supposeth the oath to be vnlawfull, which hath not beene as yet sufficiently proved, and the other is not the true meaning of this word [absolute] in this oath, as in examining this clause we haue in this Disputation before obserued.

16 To the second obiection we answer by denying that in this clause is acknowledged the *Kings* supreme power in spirituals. For although that word [*supreme* authoritie] (which whether it was purposely omitted in the oath not to terrifie the simpler sort is more then *Suarez* can know and proue) doth signifie all one with [*full* authoritie] yet *full* authoritie is in this oath take on-  
ly



ly for supreme authority in the degree of ciuill and temporall authoritie. And although the *King* doth beleue that in his Kingdomes he hath supreme authoritie in al causes, yet *Suarez* will never be able to proue, that the *King* in this oath, I say in this oath, did intend to comprehend vnder those words [*full authoritie*] al authoritie, both in spiritual & temporall causes although, he thought & meant y<sup>e</sup> it was so full & supreme an authoritie, that it was not subiect temporally to any power vnder God, and that the *Pope* could not absolue any man from the performing of those things which in this oath the swearer promisseth to performe, as in the Disputation I haue more at large declared. Neither is this oath expressly or couertly against that power of the *Pope*, which is certainly knowen to be giuen to him by Christ, but against that power which learned Catholikes doe probably thinke not to belong to him: And so the *Kings* temporall power ministring this oath, although it be not superiour to the *Popes* spirituall power, yet in temporall causes it is not subiect to it and in that respect may be said to be equall to it negatiuely, that it is not inferiour to it in subiection, speaking only of temporall causes, as is the ministring of an oath of temporall allegiance, although in nobilitie it be farre inferiour to the spirituall power, to which also all powers among Christians are subiect in spirituall causes. Neither doth the *King* determine or define any thing in this oath, which *Suarez* doth so often inculcate, but only he compelleth his Subiects, as also I haue often repeated, to acknowledge and professe that which they may lawfully professe, and which hee may compell them to professe, it being in it selfe lawfull and probably thought necessarie to his *Majesties* safetie, and to the outward peace and quietnesse in the Common-wealth.

17 To *Suarez* third obiection I haue at large answered heretofore P (it being the very argument which Father *Pirson* vttereth) and I haue sufficiently shewed,

P Cap. 9. sec. 1.

that supposing the oath to be lawfull and commanded by good authoritie, which every man must suppose before hee resolve to take the same, there is no vertuous Catholike, and who is well affected to his *Majestie*, but may and ought to take the oath willingly, taking [*willingly*] also in that sense as *Suarez* will needes have it to be taken; and therefore it must first be proved, that some other part of the oath is vnlawful before any iust exception can be taken against this clause.

### Sect. VII.

9 Cap. 10. Sec. 1

**T**Hese be all the obiections which *Suarez* bringeth against any particular clause of the Oath, but to prove in generall that the oath containeth more then civill Obedience, hee produceth the selfe same argument, which Cardinall *Bellarmino* and *Lessius* vrged from the title of the Act of Parliament wherein this oath is commanded, which is, *for the discovering and repressing of Popish Recusants*, to which because I have already sufficiently answered, I remit the Reader to that Answer. Of this onely I must admonish *Suarez*, that he was mis-informed of that which hee so boldly affirmeth, to wit, *that in the same Act of Parliament, wherein this forme of Oath which is now in question is contained, two oaths are distinguished by their proper titles, the one is entituled of the Kings Primacie in spirituals &c. the other is entituled, Against the Popes power over Christian Princes, which later oath is no other*, saith *Suarez*, *then that which the King now calleth the oath of Allegiance, therefore by the Inscription it selfe it is manifest, that this oath containeth rather an abjuring of the Popes power over Kings, then the loyaltie of Subiects towards their King. For that is directly intended as the Inscription doth shew, & expressly declared by the words, and oftentimes repeated &c.* Thus *Suarez*. But it is cleere that *Suarez* in this point hath not beene rightly informed: For there is

no such oath entituled in that manner *Against the Popes power over Christian Princes*, either in this Act of Parliament or in any other that euer I read or heard of, and therefore *Snarez* must be carefull, how hereafter he giueth credit to euery information in matters especially of so great moment. Wherefore neither doth his *Majestie* intend to deny in this oath, I say still in this oath the *Popes* spirituall power which is certainly knowne to belong to him, but only to affirme his owne lawfull right and power, neither doth the oath it selfe containe any such deniall, as I haue in my opinion sufficiently made manifest: and therefore that distinction of *Snarez* of the intention of the *King*, who doth affirme that he only intendeth ciuill obedience, and of the intention or end of the oath it selfe which neuerthelesse containeth more then ciuill Obedience, cannot be rightly applied by him to this present matter, for both the intention of the *King*, and also the election of the meanes which he hath chosen in propounding this oath to his Subjects are ciuill, and doe not exceede the bounds of temporall allegiance.

Cap.6.nu.6.

2 By this you may perceiue (*Deare Countrymen*) vpon what grounds both the impugnors and also the maintainers of the oath doe chiefly rely, and thereafter frame your conscience as God almighty with the grace of his holy spirit shall inspire your mindes. And for this cause I haue first set forth this my Answer to *Snarez* arguments in the English tongue, that you (my *Deare Countrymen*) whom the taking or refusing of this oath doth onely concerne, may fully vnderstand what reasons can be alledged to proue or disproue the lawfulness thereof, not intending therefore but that in convenient time it shall also come forth in Latine, that *Snarez*, if it please him, may giue vs satisfaction in these difficulties, which we haue heere propounded. I was also the more willing to put forth in English this my answer to *Snarez*, that by this which I haue said in this

Appendix,

For although this doctrine for the *Popes* power to depose Princes be not new, yet that it is a point of faith and the contrarie hereticall, and that the Pope may giue leaue to murder wicked Princes, is a new & scandalous doctrine. See a-boue part 1. sec. 10.

*Appendix.* especially concerning the *Popes* vnlimited power to depose Princes, to dispose of all temporals, and to punish with all kind of temporall punishments, as he in his discretion shall thinke conuenient, that you who either haue not read my *Apologie for the Soueraignty of Princes*, or being ignorant of the Latine tongue cannot vnderstand it, may in some part iudge, whether it deserueth to be censured by Cardinall *Bellarmino* as containing any hereticall or erroneous doctrine (from which his censure, ere it be long I will, God willing, most cleerely free my selfe) for that in substance I haue written nothing in that *Apologie*, which in this my Answer to *Suarez* is not contained. The reuerence wherewith I doe honour the *See Apostolike*, the dutie which I doe owe to my *Prince and Countrie*, the desire to finde out the truth in this difficult point which so neerly concerneth our due obedience to God and Cæsar, and the vtter temporall ruine of our selues and our whole posteritie, and not any hope of temporall gain or the least splene (God is my witnesse) against any person or Order, as some vncharitably, I beseech God forgive them, haue laid to my charge, hath moued me to examine, with all dutifull respect to those whom I am bound to honour, this hard and dangerous question. And these reasons I hope will be sufficient to excuse me among indifferent men (for those who are carried away with particular ends of humane respects it is impossible to satisfie) from al imputation of rashnesse, or temeritie for opposing my selfe in these times against this new & scandalous doctrine. For alas what time can be imagined to be more conuenient for vs English Catholikes to oppose our selues against such new opinions, then at this time, when by reason of them our *Soueraigne* otherwise most gracious hath taken high displeasure against vs, our libertie, goods and liues are through them greatly endangered, and which if there were no other cause might only suffice, our Religion is thereby exceedingly disgraced.

graced. For what is now more frequent in the mouths of all sorts of people, then that we English Catholikes cannot according to the doctrine of the chiefe pillars of our Church be true and faithfull Subiects, yea and that is lawfull for vs if the *Pope* do giue vs leaue to murder, I speak with horroure, our dread Soueraigne? And these reasons I hope will suffice for those who haue feare of Gods iudgements not rashly to mis-construe at leastwise my secret intentions, which I protest before God as I hope to obtaine mercy at his hands, are most pure and sincere; And as for those who are not afraid daily to mis-interpret both my thoughts and actions to the infinite prejudice of my good name, I beseech God of his great mercy to pardon their rash iudgements and speeches, and I request them to call to minde that if at the day of iudgement we are to render strict account of euery idle word, how much more of heinous detractions? and with all to consider how dreadfull it will bee vnto them at the houre of death to remember, that the sinne of detraction, according to Saint *Austins* doctrine will not be forgien, vnlesse they doe their best endeauour to make restitution of his good name, which they through their ouerlashing speeches haue vncharitably taken away.

The same submission, which in the end of this Disputation I made of all my writings to the censure of the Catholike Romane Church,

I doe heere repeat  
againc.

ROGER WIDDRINGTON  
*an English Catholike.*

Ecc

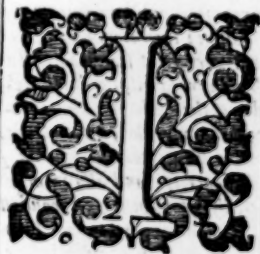
\* In epist. 74. ad  
Macedonium.

[illegible]





THE PREFACE OF  
THE APOLOGETICALL ANSWERE  
of ROGER WIDDRINGTON an  
English Catholike to a little pamphlet of  
*a certaine Doctor of Divinity.*



**I**T is not long since (*Christian Reader*) that I did set forth an *Apologie* for the *Soueraignty of Princes* against the reasons of Cardinal *Bellarmino*, who endeouureth to demonstrate, that his opinion for the *Popes* power to depose Princes is certaine as a point of faith, and to impugne the contrary opinion of certaine Catholikes as hereticall. The which *Apologie* (being made by me, God is my witnesse, not vpon desire either to contradict or to traduce Cardinal *Bellarmino*, whom I doe greatly honour, but onely to find out the truth, and to free from that foule imputation of heresie some vertuous and learned Catholikes, and who have very well deserued of the Catholike Church, who if they were liuing would nothing neede the patronage of other men to defend themselves) is taken in very euill part by some, who both themselves doe wonderfully exclaime against it, and withall doe set on children, women, and also men especially who be vnlearned and doe scarcely vnderstand a syllable thereof, to vse all manner of reprobachfull and execrable speeches against it. For they say, to omit slanders of lesse moment, that it is a temerarious, scandalous, and erroneous booke, yea, and (flat hereticall,) or wholly repugnant to the Catholike faith.

<sup>2</sup> For what greater temeritie, say they, can be imagined, then that one or two obscure Authors should oppose themselves against threescore and ten most famous Doctors, whose names Cardinal *Bellarmino* doth

## The Preface to Widdringtons

a In præfat. contra Barcl.

relate, yea and as Cardinall Bellarmine himselfe affirmeth, <sup>a</sup> against all Catholike writer, as well Divines as Lawyers, and like an other Goliath dare adventure to prauoke the whole campe of Catholikes? Is it not also an incredible arrogancie not onely not to yeld to the common receiued opinion of so many most graue, most learned, and most holy men, but also to lay upon them an imputation of treason, as it is cleere say they, that Widdrington hath done, who oftentimes in his Apologie seemeth to auerre, that all those who giue authority to the Pope to depose Princes, doe very great wrong to Soueraigne Princes, and if there are Subjects doe commit the detestable crime of treason?

3 And that this Apologie of Widdrington is very scandalous, it is say they, too too manifest, seeing that he giueth licence to Secular Princes to forbid bookes, which seemeth onely to belong to the Popes Holinesse and other Bishops, and to those who are put in authority by them for that purpose; and also he giueth scope to the said Princes to persecute the Church of God, and freely to commit any wickednesse whatsoever without being subiect to any temporall punishment for the same: yea also to reiect at their owne pleasure such Preachers, who are sent by the Popes holinesse to aduance the Catholike faith in their Dominions, from which doublesse no man can deny but that very great scandalls will arise. And moreover he seemeth to reprehend very saucily Cardinall Bellarmine, the cheefe champion at this day of the Catholike Church against Sectaries, both by giuing such an ignominious title to his Apologie, and also by pretending to confute him by his owne grounds, as hauing handled this so great a question with little sincerity, and also in many things contradicted himselfe, which assuredly not without great scandall seemeth to giue too ample occasion both to Catholikes, not to haue his other bookes of Controuersie in that good estimation, wherewith hitherto they haue bene respected by all men, and also to the aduersaries of the Catholike Church not to returne so speedily to the unity therof whiles they see Catholikes to be at variance among themselves, and to write and speake so bitterly one against another.

4 Lastly, that Widdringtons booke is flat hereticall and wholly repugnant to the Catholike faith, or at leastwise erroneous, Cardinall Bellarmine doth evidently prooue by nine Councils approved by the Pope, wherof three of them were Generall Councils: Neither can bee doubtlesse be excused from heresie, or at leastwise from error, who contemneth to heare the voice of the Church, and nittingly and willingly presumeth to contradict so many Councils, which doe manifestly declare what Catholike doctrine teacheth in this point.

5 These be principall obiections which these seuerer censurers out of ouermuch heate of spirit doe make against my Apologie, which to confute and so to cleere my selfe of these there slanders I thinke it to be a very easie matter. And if in cleering my selfe of these imputations I shall seeme to be ouerlong, and to exceed

the due proportion beſeeming a Preface of ſo ſmall a booke, I humbly craue pardon of the *Courteous Reader*, for that hauing ſo fit an opportunity offered me at this preſent to cleere my ſelfe of ſuch moſt wicked accuſations, I thought it not conuenient to de-  
ter it any longer.

6 And to runne ouer all the particular heads in the ſame order as they are propounded, and with as much breuity as may be, I will firſt of all take the definition of *temerarious* as it is now vſed by Diuines (omitting diuers other acceptions of *temeritie* which they doe alleage) from *Dominicus Bunes* <sup>b</sup> a moſt learned Diuine, and who very lately ſince *Melchior Canus* whom hee citeth hath written of this matter: *If, ſaith he, we do conſider the definition of this word temerarious, euery propoſition which is hereticall or erroneous, is too much temerarious, but yet more properly a temerarious propoſition is ſaid to bee that, when one in a matter of weight doth without good authority affirme any thing againſt the common opinion of the Church or of Diuines.* Now whether this definition of *temerarious*, as it is taken properly, which Cardinall *Bellar- mine*, as I ſuppoſe, will admit, or at the leaſt not reiect as *improbable*, may rightly be applied to *Widdringtons* Apologic, it is to bee examined.

82.2.q.11.ar.1.

7 The matter doubtleſſe whereof we now doe treat, I confeſſe to be of very great waight, as beeing a thing which concerneth the ſupream authorities of the Eccleſiaſticall and ciuill power, neither of this is there any controuerſie betweene vs. Wherefore theſe two things remaine onely to be examined; the firſt, whether any thing is contained in *Widdringtons* booke, which is contrary to the common opinion of the Church or of Diuines; the ſecond, whether if there be any ſuch thing contained therein it bee affirmed without good authority. For if it containeth nothing which is contrary to the common opinion of the Church, or of Diuines, or if therein any ſuch thing be affirmed, it is not affirmed without good authority, hee will doubtleſſe auoid the aforeſaid imputation of *temerity*, and by the Law of *Talio* hee will with greater reaſon returne it backe vpon his Aduerſaries.

8 But firſt of all thou muſt obſerue, *Learned Reader*, (for to thee eſpecially I do direct my ſpeech) what is the marke at which *Widdrington* in his *Apology for the Soueraignty of Princes* doth aime, and what is the ſtate of the controuerſie betwixt him and Cardinall *Bellarmino*, for this once being knowne, thou maiſt more eaſily iudge whether iuſtly or wrongfully the aforeſaid crimes are laid to his charge. It is not therefore *Widdringtons* meaning, as ſome doe imagine, to impugn the more common opinion of Diuines, which granteth to the Pope authority to depoſe Princes as *apparently falſe*, and with *inuiincible arguments* to demon-

## The Preface to Widdringtons

*state* the contrarie to be true, but whereas some very few later Diuines, and especially Cardinall Bellarmine haue so egerly, and with such vehemencie taken vpon them to defend this authoritie of the *Popes* Holinesse to depose Princes, that they imagine to haue most cleerly conuincd the same, and feare not therefore to charge with *heresie* all those Catholikes, who in this point doe not run with them, this only was my intent to giue at the least a *probable answer* to the arguments of Cardinall Bellarmine, and to free vertuous and learned Catholikes from that execrable crime of *heresie*, whereof they are wrongfully taxed, and so to shew out of his owne grounds, not by *conuincing*, but by *probable reasons*, that his arguments are not altogether so certaine and inuincible, as that they doe *evidently demonstrate*, that those who deny such an authoritie, are not to be accounted of the companie of the faithfull, or to be excluded from the participation of Sacraments.

9 Wherefore the present controuersie which is betweene me and Cardinall Bellarmine, is not concerning this *absolute question* or proposition, whether the *Pope* can or cannot depose Princes for heresie or no, but concerning this *modall proposition*, whether it be so certaine, that the *Pope* by Christ his institution hath such an authoritie to depose Princes, as that those who defend the contrarie opinion, doe expose themselues to manifest danger of *heresie*, error, or of any other *mortall sin*. Whereupon although in my *Apologie* I brought certain arguments drawne from inconueniences, which the Logicians call *ad impossibile*, to proue that Christ our Lord did not grant such an authoritie to the *Pope*, yet whosoever will diligently peruse my *Apologie*, will presently perceiue that my intent was not to bring *conuincing reasons*, which doe cause a *firme & vndoubtfull assent*, but only *probable* and such as are grounded vpon credible principles, and which are able to cause a *probable perswasion*.

10 And from hence any man may plainly perceiue, that Widdrington doth not oppose himselfe either against all Diuines, or against the common opinion of the Church or of Doctors, but only against very few writers; considering that among those 70. Authors who are related by Cardinall Bellarmine, very few are to be found who (although they are perchance of opinion that the *Pope* by Christ his institution hath authoritie to depose Princes for enormous crimes) yet they doe not so peremptorily adhere to that opinion, as to taxe them with *heresie* who doe maintaine the contrary. And if Cardinall Bellarmine in the later Editions of his Bookes, yet bringing no new reason to confirme his former opinion had no condemned the contrary opinion of Catholikes as *hereticall*, but had suffered euery man to perseuer with:

without danger of *heresie* in his owne opinion (which he should thinke to be the truer, he had not truly had *Widdrington* to be his Adversarie, or to have attempted to overthrow his reasons as insufficient to demonstrate an undoubted point of faith.

11 Moreover, neither also is the opinion of Doctor *Barclay* to be reputed contrarie to the common opinion of the Church or of Doctors: for a common opinion as it is taken in the definition of *temerarious*, is not that which is opposite to a lesse common, but which is opposite to a singular opinion. But it is evident that the opinion of Doctor *Barclay* is not a singular opinion of one or two Authors only, what soever Cardinal *Bellarmino* so often repeating, one *Barclay*, only *Barclay* as an other *Goliath* against all Catholike writers doth affirme, seeing y<sup>e</sup> I have in my Apologie related many Authors who are of that opinion, and as very well writeth *Frithemius* <sup>e</sup>, it is a controversy among Schoollmen, and it is not as yet decided by the Judge whether the Pope hath authoritie to depose the Emperour or no.

12 The testimonie of many Schoole Divines, saith *Canus* <sup>e</sup>, if other learned men do stand against them, is of no greater force to make men to beleve them, then either their reason, or greater authoritie shall confirm. Whereupon in a Schoole disputation a Divine ought not to bee overborne with the authoritie of many, but if he have a few grave men of his opinion, he may doubtlesse stand against the opinion of very many. And passing well saith *Nauarre* <sup>e</sup>, It is not enough for an opinion to be called the common opinion (to this effect to prejudice another) for that cause only that many doe follow it, as in a companie of birds one flying all the rest doe follow. For I should thinke that opinion to be the more common to this effect, which sixe or seven Classike Authors who purposely handle the matter should approve, then that which is allowed by fiftie, who are carried away almost only with the authoritie of those who have written before them. For an opinion is not made a common opinion by the number of them who follow it, but by the might of authority: Yea and I do thinke that either of the opinions may to this purpose be called a common opinion, when either of them hath eight or tenne grave Authors and who with iudgement doe embrace it. Did not three or foure Bishops in the Generall Councell of *Chalcedon* in the cause of the Popes Primacie oppose themselves against almost sixe hundred Bishops and the whole Councell, which three or foure doubtlesse Cardinal *Bellarmino* will constantly affirme are not therefore to be stained with any spot of temeritie? Now if any man doe diligently consider the first beginning and proceesse of this opinion, which granteth to the Pope power to depose Princes he will easily perceiue, that the later maintainers of this opinion were not so much moued to follow it by force of reason, as drawne thereunto by the authoritie of those, who held it before them.

<sup>e</sup> In Chronico  
monasterij Hir-  
sling ad annum  
1106.  
d Lib 8. de locis  
cap. 4.

<sup>e</sup> In Manuali cap.  
27. nu. 283.

/ But this doctrine  
*Nauarre* under-  
standeth in the  
exterior Court,  
for in the Court  
of Conscience he  
affirmeth in the  
same place nu.  
288. that to auoi-  
d sine it sufficeth  
to follow the opi-  
nion of one Doct-  
or whom wee  
thinke to be a  
vertuous and lear-  
ned man.

## The Preface to Widdringtons

13 Neither can it also be sufficiently proved that this opinion for the Popes power to depose Princes is so common, as Cardinall *Bellarmino* doth suppose for certaine. For it is not so cleere, that those 70. Authors, whom he bringeth as so many armed soldiers in defence of his opinion (and doth artificially place them in the forefront of his booke as it were in battell array, to cause a terror in his Aduersarie discrediting at the first to many treupes of armed men) doe altogether fauour his opinion. For to omit that most of them doe vehemently impugne Cardinall *Bellarmines* opinion for the Popes indirect dominion or power in temporals, & with great applause do approue the Popes direct power in temporals, which Cardinall *Bellarmino* doth greatly mislike: first, it is apparant that *Alexander of Hales* called the *irrefragable Doctor* (affirming that Kings if they offend are by God alone (& not by the Pope) to be punished with temporall punishments) doth in expresse words impugne both the direct and indirect dominion or authoritie of the Pope in temporals, neither is it as yet apparant, as I haue shewed heretofore, what was *Almaines* owne proper opinion. [And as for *Ioannes Parisensis* it is euident that hee did limit the Popes chastising power to Ecclesiasticall censures.

14 Besides, some of those 70. Authors doe vse such generall words, to wit, that the spirituall power doth extend to temporals, that the temporall power is subiect to the spirituall, and that the sword is vnder the sword, &c. as that they may very well be vnderstood of subiection to be punished only spirituallly not temporally, and of a power to command temporals, but not to dispose of temporals. Some others of the 70. Authors doe not speake Vniuersally of Kings, but only and expressely of the *Romane Emperour*; Now whether there be altogether the same reason of other Kings, as there is of him by reason of some pact or couenât agreed vpon betwixt the Pope & the Emperour, & by reason of a certaine Oath of Allegiance which he sweareth to the Pope, it may doubtlesse be called in question. But what the Emperour doth promise to the Pope by vertue of that Oath, which the *Councell of Vienna* doth declare to be truly an Oath of Allegiance, & in what that allegiance doth properly consist, it is not to our purpose to examine at this present.

15 Moreover, what hindereth, that very many of those 70. Authors, who teach that the Pope hath power to depose Kings and Emperours, may not be vnderstood in that manner, as those Doctors related in my Apologie together with the Glosse vnderstood those plaine words of *Gregorie the seuenth*, when he said, that Pope *Zacharie* did depose the King of France from his Kingdome, that is, say they, did consent to them who did depose him, or did declare him worthy to be deposed, or did counsell his deposition as lawfull, and did approue it by his authoritie: So that very few of those 70. Authors

g 3. part q. 40.  
membr. 5. q. 4.  
ad primum, secundum et tertium  
argumentum, see  
beneath in the  
Answer nu. 190.  
h In my Apologie  
nu. 122.  
i See about ca 3.  
[cc. 3. nu. 7.]

k A nu. 404.



Authors except those who wrote of this matter in this present age doe so expressly follow Cardinall *Bellarmines* opinion, but that their words may very wel be applied to some one of the aforesaid senses.

16 But be it so, let vs admit this opinion of Cardinall *Bellarmine* to bee commonly receiued by those 70. and also by other Doctors besides them, yet if one moued with good authority doth stand against the common opinio of the Church or of Doctors, he is not according to the aforesaid definition to bee accounted *temerarious*. But whether *Widdrington* hath brought sufficient reasons to free those Catholikes from *temerity*, who doe not grant to the Pope power to depose Princes, the prudent Reader will easily iudge by his *Apologie*, wherein he doth viterly ouerthrow those pretended demonstrations of Cardinall *Bellarmine*, and also alleageth many authorities of holy Fathers, Popes and other Doctors, who doe affirme, that the Ecclesiastical power hath onely the spirituall and not the materiall sword, & that Soueraigne Princes are to bee punished with temporall punishments by God alone, and moreover hee produceth against the aforesaid opinion of Cardinall *Bellarmine*, which is vulgarly called the common opinion, eight at the least graue Authors (yea and the whole kingdome of France, if credit may bee giuen to *Petrus Pithem*) who according to the doctrine of *Nauarre*, before related, are sufficient to make that opinion which they follow to be accounted a common opinion to this purpose or effect, that we may lawfully and with a secure conscience follow it: & lastly he assigneth diuers reasons, why this opinion which doth fauor the Popes power in temporalls, is so common, and hath so greatly increased from the first beginning thereof vnto these times, which reasons of his whosoever will duly consider, may doubtles haue iust cause to wonder, how that in any books of Catholike writers there is left any memory at all, whereby euen obscurely it is signified, that this temporal power of the Pope was cuer by Schoole Divines called in question.

[No. 12.]

17 But my aduersaries doe obiekt, that *Widdrington* neither hath evidently conuincd by his reasons, that the Pope hath not the aforesaid power to depose Princes, neither hath hee faithfully related the authority of those Doctors whom he citeth for his opinion: for that some of them, and especially *Gregorius Tholosanus*, and *Antonius de Rosellus* doe in expresse words affirme, that the Pope hath power to depriue hereticall Kings of their Kingdomes. Neuertheless that these Obiections are frivolous any learned man, who will attentively read his *Apologie*, will manifestly perceiue. For it was not *Widdringtons* meaning to bring demonstrative arguments, which should evidently conuince his owne opinion, but his principall

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intent was onely to answer probably Cardinall Bellarmines reasons. But because the answering to arguments can not of it selfe produce a positive assent of the contrary opinion, although it doth in some sort prepare the vnderstanding to yeeld assent, *Widdrington* thought it convenient not onely to confute Cardinall Bellarmines reasons, but also to produce against the common opinion certaine probable arguments drawne both from extrinsecall, and also intrinsecall grounds, which although they doe not altogether convince the vnderstanding, yet they doe probably incline it to yeeld assent.

18 And for this cause hee alleaged *Gregorius Tholosanus*, & *Antonius de Rosellis* against Cardinall Bellarmines opinion, for that he intended to produce not onely such authors, who doe expressly follow the contrary opinion, but also who doe fauour it. Now it is manifest that the aforesaid Doctors are most plainly against Cardinall Bellarmine in this, that they are of opinion, that the Pope hath not authority to depose Soueraigne Princes for meere secular crimes, which neuerthelessse are very prejudiciall to the spirituall good of foules. Besides that *Antonius de Rosellis* doth doubtfully and vnder a disunction affirme, <sup>m</sup> that the Pope can either deprive the Emperour of his Empire, or declare him to be deposed, so that he seemeth to incline to the opinion of *Ioannes Parisiensis*, who granteth power to the Common wealth, but not to the Pope to depose Princes.

19 To conclude that second crime of temerity, which they obiekt against *Widdrington*, to wit, that he accuseth those Doctors of treason, who maintaine the Popes power to depose Princes, is a meere slander, and imposture. For *Widdrington* in his fifth reason, <sup>n</sup> which these men doe calumniate, doth onely affirme, that there cannot be assigned any sufficient reason, for which any man can put the neckes of Soueraigne Princes vnder the yoke of any other power without doing those Princes very great wrong, and doib confidently and freely auerre what seemeth to him more probable, that such plots and attempts against the Scepters of Princes are in themselves and of their own nature vnlawfull and exceedingly iniurious to Soueraigne Princes: and thereupon he affirmeth, <sup>o</sup> that he cannot as yet sufficiently vnderstand, by what way those Subiects can be freed from treason (what opinion soeuer they doe Speculatively maintaine concerning the Popes power in temporalls) who practically vnder colour perhance of Religion and deuotion to the Sea Apostholike, not weighing with equall balance their bound dutie to Soueraigne Princes, should notwithstanding any sentence of Excommunication or deprivation denounced by the Pope attempt to thrust their lawfull Prince out of the possession of his kingdom, so long as this question concerning the Popes power to depose Princes remaineth undecided.

<sup>m</sup> In sua monarchia. part. 1. ca. 63.

<sup>n</sup> Nu. 63. of his Apologic.

<sup>o</sup> Nu. 471. of his Apologic.

20 And this very same opinion are bound to follow to make that fact of theirs to be lawfull, those thirteene English Priests, P and all of them, two onely excepted, living at this present, (whose names in very truth I would have concealed, if they had not beene before published to the world) *who to give assurance of their loyalty to the late Queene Elizabeth, did by a publicke instrument protest, and made it knowne to all the Christian world, that she (being at that time excommunicated by name, and deprived by the sentence of Pope Pius the fifth of her Regal authority) had neuerthelessse as full authority power, and Soueraignty ouer them, and ouer all the Subiects of this Realm, as any her highnesse Predecessors euer had. And that notwithstanding any authority, or any Excommunication whatsoeuer either denounced or to be denounced against her Maiestie, or any borne within her Maiesties Dominions, which would not forsake the defence of her, and her Dominions, they thinke themselves not only bound in conscience not to obey this, or any such like Censure, but also doe promise to yeeld vnto her Maiestie all obedience in temporall causes.*

21 Now that we have cleered our selues of this first imputation of temerity, let vs come to the second accusation which is of scandall. There be some now adaies who are so addicted to their owne opinions, that whatsoeuer they haue once determined with themselves to be vnlawfull, they would presently haue all men euen with their great temporall detriment also to condemne it as vnlawfull. And if they be demanded a reason which moueth them to condemne with such confidence that action as vnlawfull, seeing that other men of the contrary opinion do not thinke it to be forbidden by any Law naturall or diuine, Ecclesiasticall or ciuill, they presently, if they can give no other reason, doe flye to scandall, and doe commonly cry out, it is a Scandall, it is a Scandall.

22 Scandall is an euill word or deede which giueth occasion to another man to fall, as the Diuines do define it: yet in declaring the sense of this definition they labour much, and in assigning all the conditions which are required to make an action to bee scandalous they doe not as yet agree among themselves, But all doe accord in this, that no action at all which is commended especially by the Law of nature can giue a true occasion of ruine or offending; and if one thereby doe take occasion to sinne, it is a scandall not giuen, but taken, as all Diuines do confesse. Whereupon to giue to euery man his right, to Caesar those things which are Caesars, and to God those things which are Gods, can giue occasion to no man of offending, but rather to take away from Princes their right, which the Law of nature doth giue them is very scandalous, and greatly repugnant to the Law of God and nature.

Fff 2

22 And

¶ D. William  
Elishop.  
John Colliton.  
John Mith.  
Robert Charnocke.  
D. John Beffem.  
Anthony Helborn.  
Roger Cadwallader.  
Robert Drury.  
D. Antony Champney.  
John Jackson.  
Francis Barnaby.  
Oswald Nurburn.  
Richard Easton.  
Whereof three are Doctors of Sorbon, the rest are accounted by Catholikes to be graue, vertuous, & learned men.  
q This profession of Allegiance is extant in the end of Master Georges Blackwells examination in the latin Edition.

¶ S. Hieronym. in c.  
15. Matth. 5. T. hunc.  
2.2 q. 43. ar. 1. et alij Theologibid

Of this we have a late example in the King of Spain that now is who vnder great temporall punishments didd prohibite the eleuenth toime of Cardinall Bayonius Ecclesiasticall Story vottill it were corrected.

† Possuine in the word *Alexander Holesis*. See beneath in the answer nu. 190. in the margin.

21 And vpon this ground all the imputation of scandall, which these seuerer Censures doe lay to *Widdringtons* charge, may easily be retorted vpon themselves: For it is agreed vpon by all Diuines, that the ciuill Common-wealth hath sufficient authority to punish vices, to provide for the peace of the citizens, to preferue her selfe, and by meanes of the temporall sword, which is agreeable to a temporall power, to defend her selfe from all present wrongs, and to reuenge those wrongs which are already done her. From which principle, euen most euident by the light it selfe of nature, it doth most cleerely follow that the ciuill common-wealth may, vnder paine of temporall punishments, forbid all sorts of seditious bookes, as they are seditious, & do wrongfully infringe the lawfull rights of Princes, (as also the Pope, vnder spirituall punishments, may prohibit the same books as they are preiudiciall to the spirituall health of soules) and also that shee is not bound to admit into her dominions turbulent preachers, and who are truly enemies to her temporall State, and who doe vnlawfully disturbe the temporall quietnesse of the Common wealth by other vnlawfull practises, then by the pure preaching of the Gospel, which being performed in due manner is iniurious to no man: neither can these in my iudgement without very great scandall be called in question.

22 Neither doth *Widdrington* giue more scope to princes to persecute the Church, or to liue more licentiously, then doe those other Doctors whom he citeth in his Apologie, and especially *Alexander of Hales* a man of singular vertue and learning (whose doctrine was approoued as not disagreeing in any thing from the Catholike truth by Pope *Alexander* the fourth, & three-score and ten Deuines \*) who in expresse words affirmeth, that *Kings if they doe offend, can with temporall punishments bee punished by God alone*: From which doctrine if perchance any Princes should take occasion to offend, that is not to bee imputed to any fault of the Doctors, but to the humane frailty of those Princes. Lastly, to defend innocent persons, to vphold the truth, which is as it were by maine force bearen downe, and to free from that most wicked crime of heresie, vertuous and learned Catholikes, and those who being now dead cannot defend their innocencie, although their accusers doe thereby suffer perchance some detriment in their good name, can giue no iust occasion of offence.

23 As concerning the title, which *Widdrington* gaue to his Apologie for this end, that it might be sought after more greedily, and read more attentively, seeing that it is agreeable to the end, scope, and subiect of the booke, it cannot bee no more displeasing, then is the booke it selfe. But if I haue offended the most

*Illustr.*

*Illustrious Cardinall Bellarmine* in any thing, I am heartily sorrie for it: for truly I did not write any thing, God is my witnesse, with purpose to wrong any man, but with desire to finde out the truth, and to free innocent men of all imputation of deadly sin. And although both Cardinall *Bellarmino*, and many other Diuines haue by their writings meruailously enlightened the Christian common-wealth (for which all Catholikes are bound to giue them exceeding great thanks) yet I doe not imagine that there can bee found any Catholike Doctor, of what learning or dignity soeuer he be, who, considering that he is a man and subiect to humane ignorance, would haue all other men without further examination to giue vndoubted credit to euery one of his opinions: but rather it would be very scandalous, and an occasion of no small error to those persons, who should without farther search build their faith, which is necessary to eternall saluation, vpon the bare word of any Doctor: whatsoeuer as vpon a most firme and sure foundation.

25 Neither can it bee any scandall either to Catholikes, or not Catholikes, to dispute probably of those things, which are in controuersie among Schoole men, and as yet the Iudge hath not decided the question; but rather it is too too scandalous, and greatly against Christian charity, to which scandall is flat opposit, to condemne the probable opinions of Doctors as hereticall. Our Schoole, saith *Camus*,<sup>a</sup> giueth vs double great liberty, that whatsoeuer seemeth to be most probable we may by our right defend, but it is not lawfull for vs to condemne rashly and lightly those, who do hold against vs. And let this suffice to free my *Apologie* from all suspicion of scandall; neither will I at this present retort vpon the books of other men a deferred blame of scandall, returning backe the same measure to them wherwith they haue measured me.

26 Lastly, to purge my selfe of those last, but of all the most heinous crimes of heresie and error, it is a knowne and common principle among Diuines, that error is distinguished from heresie in this, that heresie is repugnant to *Diuine faith*, the certainty whereof doth depend wholly vpon *Diuine reuelation*, but error is repugnant to a *Theologicall conclusion*, the certainty whereof is partly grounded vpon *diuine reuelation*, and partly vpon the light of naturall reason; yet all Diuines doe with one consent agree in this, that as both a *Theologicall conclusion*, and *supernaturall faith* are certainly and evidently true, so both error and heresie doe containe an vndoubted and manifest falshood: So that if this doctrine concerning the *Popes* power to depose Princes cannot be conuincied of manifest falshood, it cannot iustly bee taxed with heresie or error.

27 Now therefore let vs examine what certainty can be gathered

Eff 3

from

<sup>a</sup> Lib. 8. de locis  
cap. 4.



from the Councils, to proue this authority of the Pope to depole Princes. All the Councils as well prouinciall as Generall, which are confirmed by the Pope, I doe honour with all dutifull reuerence, neuerthelesse I doe not thinke that equall honour and credit is to be giuen to them both. For all Catholikes doe confesse, that Generall Councils beeing assisted by the holy Ghost cannot erre in their definitions: but that prouinciall Councils are as well in decrees of faith as of manners subiect to errour, very graue Diuines doe constantly auerre. And although some very learned men doe affirme, that this opinion, concerning the superiority of the council aboue the Pope, and of the Popes fallible iudgement if he define without a Generall Council, doth sound ill in the eares of Catholikes, in so much that it is commonly accounted to bee erroneous & very neere to heresie, and is onely tolerated by the Church, yet in my iudgement their speeches are very equiuocall, neither doe they plainly enough declare what by those words they do vnderstand. For that this opinion doth both sound ill in the eares of some Catholikes, to wit, the Romanes, and also that it doth sound well in the eares of other Catholikes, to wit, the Diuines of Paris, and that it is not accounted in all places, and by all men erroneous or neer to heresie, it is too too manifest.

28 For Nauarre a writer of our thine, and a famous Diuine and most skilfull in the Canon Law<sup>x</sup> doth most plainly teach, that this question is probably disputed by the Diuines of Rome and of Paris, neither doth hee more incline to the one side then to the other. There is, saith he, a great contention betwixt the Romanes & them of Paris, to whom the Ecclesiasticall power was more principally giuen by Christ, whether to the whole Church, or else to S. Peter himselfe. For the Romanes hold that this power was giuen to S. Peter and to his Successours, and that therefore the Pope is aboue a Council, but these whom Gerson followeth, do affirme that it was giuen to the whole Church, although to be exercised by one, and that therefore at leastwise in some cases a Council is aboue the Pope. The opinion of the Romanes is approved by S. Thomas, Thomas a Vio, who more deeply & more profoundly then any other, doth endeavour to demonstrate the same: But the other opinion is approved by Panormitane, who standeth for them of Paris, whom ours do more commonly follow, as Decius affirmeth. Which opinion Iacobus Almainus a Diuine of Sorbone doth eagerly maintain, who hath answered Thomas a Vio in a booke of a competent bignes, & Iohn Maior, who doth the like, affirming that it is not permitted at Rome for any man to hold the opinion of those of Paris, and of Panormitane, and againe that the Vniuersity of Paris doth not suffer that the contrary opinion be maintained there.

29 And although he, who maketh the additions to Nauarre, doth labour to draw Nauarre (who is wauering and very doubtful

<sup>x</sup> Possesive verbo  
Martinus ab A.  
p. l. c. u. a.

y Iu. cap. Nouit  
de Iudicijs notab.  
3. nu. 84.

z That is, the Canonists.



of this question whether the Pope be above a Councell) to be of the opinion of the *Romanes*, yet hee writeth farre more temperately, and although he thinketh the opinion of the *Romanes* to bee the more probable, yet hee leaueth the opinion of them of *Paris* as probable. But farre more plainly and modestly writeth most learned *Victoris*, There are two opinions, saith hee, <sup>a</sup> concerning the comparison of the Popes power, the one is of S. Thomas and many his followers and of other learned Doctors both Diuines and Canonists, that the Pope is above a Councell; the other is the common opinion of the Diuines of *Paris*, and also of many Doctors, both Diuines and Canonists, as of Panormitane, and others contrary to the former, that a Councell is above the Pope. It is no place at this present to dispute whether of them be the truer. I thinke that both of them is a probable opinion: and because either of them hath great followers, wee must not proceede in this question which is in hand only according to one of these opinions, but we must determine what is to be said what opinion sooner of these two we do follow.

<sup>a</sup> Relect. 4. de potest. pape et Conc. propositio. 3.

30 I could therefore wish, that these seuerall Censours would in plaine and expresse words declare their opinion, and that they would not with cunning ambiguity of words keepe the Reader in suspence, but sincerely & perspicuously explaine their minds, and answer directly, whether those that defend the opinion of the Doctors of *Paris* as probable, are in that manner tolerated by the Church as harlots, vsurers, and such like notorious sinners are sometimes for the auoiding of greater scandals tolerated or permitted in the common-wealth, who although oftentimes they are not punished with ordinary punishment ordained by the lawes, yet they are altogether excluded from the participation of Sacraments so long as they persist in their wicked life; or whether those who are resolu'd to follow the opinion of the Doctors of *Paris* may enjoy the benefite of Sacramentall absolution? For if they will admit this last, they must of necessity confesse, that the opinion of the Doctors of *Paris* is not onely tolerated by the Church, but also allowed by the Church as probable, and which may be maintained without any danger of heresie, error or any other deadly sinne.

31 Now that those Doctors, who defend the opinion of the Diuines of *Paris*, are admitted to the Sacraments of the Church, the practise of the Church of France (which practise no man without great temerity and scandall can censure as temerarious or scandalous) doth giue apparant testimonie. Wherefore it seemeth in my opinion to bee farre more agreeable to Christian charity, that vertuous and learned Catholikes should as much as may bee, bee freed from error and heresie, and more beleeuening the sincerity of Christ his Gospel, that Catholike Doctors should plainly

*by I said so by it  
selfe, for if it be  
approved by con-  
sent of the whole  
Church it bindeth  
in that manner as  
a Generall Coun-  
cell doth, as it is  
insinuated in the  
next number.*

plainly and perspicuously, without so many ambiguities of words, declare to Christian people what every Christian is bound to believe concerning those things which appertain to the Catholike faith, and that they should not so easily thrust upon the faithful people doubtfull and vncertaine opinions, and which may be defended without prejudice to faith, for a certaine and vndoubted doctrine of the Catholike faith. And from hence it is evident, that the authoritie of no Prouinciall Councell, although it be confirmed by the Pope, if it be taken *so by it selfe*, can be such a sufficient argument to Catholikes, to giue vndoubted credit to her definitions, but that without note of heresie or error they may be contradicted.

32 Neither is that obiection of the aduerser part of any great moment: if the Pope, say they, defining without a Generall Councell doth not make that doctrine, which he defineth to be certaine of faith, but that he may erre, there could no certaintie haue beene had concerning many opinions which were taught in the three first hundred yeares, wherein many heresies were put downe by the Pope, as it is euident in the errors of the Priscillianists, of Vigilantius, of Iovinian, of the Maniches, and of many others. For according to the doctrine of the Diuines of Paris, the aforesaid opinions of the Priscillianists, and of the rest before mentioned, are not to be accounted heretical for that cause precisely, because they were condemned only by the Pope or by Prouinciall Councils, but because the whole Church receiued and approved their condemnation, which at this present for breuities sake may suffice to haue insinuated to the learned, being likely hereafter, if neede shall require, to declare it more at large.

33 Now let vs briefly examine what certaintie can be gathered from Councils for the Popes authoritie to depose Princes. Six Prouinciall Councils and three Generall are produced by Cardinall Bellarmine to confirme this his opinion. And although Prouinciall Councils, according to the probable opinion of many, as wee now haue seene, doe not make the doctrine which they define to be certaine of faith, and therefore no convincing argument can be drawne from them to condemne any doctrine of heresie or error: yet that the truth may the better appeare, let vs grant for disputation sake that they cannot erre in their definitions, and let vs see how soundly Cardinall Bellarmine doth by them confirme his doctrine to be certaine of faith.

34 The first Councell which is alleaged by Cardinall Bellarmine is a Romane Councell holden vnder Gregorie the seventh, in the yeare 1080, wherein Gregorie with the consent and applause of all, as Cardinall Bellarmine saith, did publicly and with a sollemne rite and ceremonie excommunicate and depriue Henry the fourth Em-

perour of his Empire and Kingdome. I haue read indeed that Gregorie did depose Henry the fourth in that Romane Synode, or rather<sup>a</sup> in the end of the absolution of the Synode did annexe the deposition of Henry, but that he was deposed by that Synode, or that all the Fathers gaue their consent and applause I haue not read as yet. In the other five Councils, to wit, at Beneuentum vnder Pope Vislor, at Placentia vnder Urbanus, an other at Rome vnder Paschalis, at Colen vnder Gelasius, and at Rhemes vnder Calixtus I finde not so much as one word of the deposition of Henry, vnlesse wee will confound deposition with Excommunication. And although the Emperour had bene deposed not only in, but also by those six aforesaid Councils, yet from hence no certaine doctrine of faith can be concluded, seeing that the aforesaid deposition of Henry, was not a matter of faith but only of fact, wherein as well those Popes, as those Fathers of the Councils following their own opinions might erre, as a little beneath<sup>a</sup> in the like answer to the Council of Lateran I will declare more at large.

35 Three Generall Councils are alleaged by Cardinall Bellarmine, of Claramont, of Lateran, and of Lyons. To the Council of Lyons I haue answered sufficiently in my *Apologie*<sup>f</sup>, to wit, that it cannot be effectually proued, that the deposition of Frederike was done by the Council, but only by the Pope in the Council, neither the Council approuing it, but only being present at the same.

36 From the Council of Claramont Cardinall Bellarmine argueth in this manner: Pope Urbanus the second in a most frequent Council at Claramont did excommunicate and depriue Philip the first King of France of the crowne of his Kingdome, for hauing put away his lawfull wife and married an aduultresse, and being admonished thereof did refuse to obey, as Siebert doth testifie in his Chronicle in the yeare 1095. and more plainly Matthew Paris relateth the same in the life of William the second in the yeare 1095.

37 But neither out of this Council can be concluded anything for certaine for the Popes power to depose Princes. For be it so, that Pope Urbanus, as Siebert, and Matthew Paris doe affirme, did in the Council of Claramont excommunicate Philip for the aforesaid cause, or rather, as Paphrius Massianus<sup>a</sup> saith, did debar him from coming to Church and Masse (although Andreas an ancient Historiographer, as Paulus Emilius<sup>e</sup> relateth, affirmeth that it was done before the Council & Aimonius<sup>f</sup> insinuateth it was done after the Council of Claramont) yet by what conuincing argument can it be proued, that Philip was in that Council depriued by Urbanus of the crowne of his Kingdome?

38 But that together with Excommunication was ioyned the depri-

d Bertoldus in anno 1080. et tom. 3. Concil. part. 2.

<sup>a</sup> Na. 50.

<sup>f</sup> See also above in the Appendix to *Smarr* &c. part. 1. sec. 4. nu. 6.

<sup>d</sup> Lib. 3. in Philippo primo.

<sup>e</sup> Lib. 38. in Philippo primo.

<sup>f</sup> Lib. 5. de gestis Francorum partim cap. 48. in principio partim 49. in principio.

ning also of his Royall dignitie, may be vnderstood saith Cardinall Bellarmine, by Iuo Carnorensis who in his 46. Epist. to Pope Urbanus the second speaketh in this manner. Those persons who will not come vnto you in the cunning of their wit, and the smoothnesse of their tongue haue promised the King to procure from the See Apostolike pardon for his offence, and will vse partly this persuation, that the King with his Kingdome will depart from your obedience vnlesse you restore his crowne, and absolue him from excommunication. The same also may be gathered from Historiographers, who doe testifie, that Pope Urbanus did prohibite, the Kingly diademe to be set on Philips head being excommunicated. See the Chronicle of Iohnnes Nauclerus generat. 37. in Rege 38. Papyrius Massonius Annal. lib. 3. Adde also that which is written in the Summarie or compendium of the French Histories of Nicholas Vignerius, that for all the time that Philip liued in Excommunication they did not vse in publicke writings as the manner was, in the reigne of Philip \*, but in the reigne of Christ, because the people held Philip being excommunicated for no King. Thus Cardinall Bellarmine.

\* But Cardinall Bellarmine was greatly ouerscene in citing these words of Vignerius, for Vignerius speaketh of Philip the second who liued in the time of Pope Innocent the third about a hundred yeares after this Philip the first, who was excommunicated by Urbanus.

39 Neuerthelesse I cannot sufficiently vnderstand, how Cardinall Bellarmine doth effectually proue from hence, that Philip was either by the Councell or in the Councell depriued of his Kingdome. For first of all supposing, but not granting, that Philip was depriued of his Crowne by Urbanus, yet it doth not therefore necessarily follow, that this sentence of depriuation was denounced in the Councell of Claramont, seeing that in the decrees of that Councell thereto made no mention of this sentence, and the Pope might by some particular decree either before or after the Councell denounce this sentence of depriuation.

40 Besides, to omit that almost all the Bishops of France did oppose themselves against Iuo, those words of Iuo, vnlesse you restore his Crowne, may be vnderstood in a commodious sense, to wit, vnlesse you restore his Crowne, which some perchance of the people, especially of the ruder sort did imagine was rather wholly taken away, or in great part diminished only by the sentence of Excommunication: for the people, saith Cardinall Bellarmine, held the King excommunicated for no King: and moreover the excommunication of the King might giue no small occasion to the people who are prone to rebellions to stirre vp in some sort the Kingdome against the King. And that the words of Iuo may haue this sense, Iuretus in his obseruations vpon Iuo his epistles doth sufficiently insinuate. It is also probable saith he, that the Prince being excommunicated some of the Subiects did refuse to doe him honour and homage, others did honour him and obey him, and so the diuersitie of opinions may be composed. And therefore no meruaile that in publicke Ecclesiasticall writings it was not written, in the reigne of Philip,

g Expounding the  
aforesaid words  
of Iuo.

h For so be the  
words of the Au-  
thor of the Chro-  
nicle of S. Dennis  
apud Iuretum lo-  
co iam citato.

lip, least that Ecclesiasticall persons should seeme that way to participate with the King being excommunicated, but in the reignes of Christ [both for the reason alledged and also] for that the people held not the King being excommunicated for King, to wit, altogether absolute, and with whom they might as before lawfully conuerse in all affaires.

41 But that *Iuo* himselfe, and the greater part of the people were of that opinion, that *Philip* by that excommunication was not deprived of his Regall authoritie, it is manifest, both for that the people did willingly obey the King<sup>1</sup> and also for that Bishop *Iuo* himselfe in his letters<sup>k</sup> which he wrote to the King being excommunicated, hee calleth him *most pious and magnificent King of France* and hee calleth himselfe, *an humble Clarke of his Highnesse*; and to another letter writtten in the yeare 1095, as *Baronius* witnesseth<sup>l</sup>, at that time when *Philip* was excommunicated, he maketh this superscription<sup>m</sup>. *To Philip by the grace of God the most Noble King of France Iuo his humble Priest greeting, & as to his Lord & King faithfull service*: from which kinde of titles *Iuo* would doubtlesse haue altogether refrained, if he had thought that *Philip* had by *Urbanus* beene deprived of his Regall honour and dignitie.

42 And whereas it is objected by Cardinall *Bellarmino* that the Bishops of France were forbidden by Pope *Urbanus*, or rather by his Legate onely that they should not set the Royall Crowne vpon the heads of the King and new Queene, this objection doth not proue that the King was deprived of his Royall right or authoritie, but this crowning did appertaine to the solemnitie of the Kings marriage, and to a certaine Religious ceremonie, which was vsed vpon that day when the Kings marriage was solemnized<sup>n</sup>, and which vsually was done at the time of Masse; which religious ceremonie, because it did seeme to confirme the marriage betwixt *Philip* and his new wife *Bertrada*, might iustly be prohibited by Pope *Urbanus* or his Legate.

43 Now it remaineth only to answer to the Councell of Laterane, which is the principall ground, which my Aduersaries doe now vrg to proue the Popes power to depose Princes. For Cardinall *Bellarmino*<sup>o</sup> out of this Councell frameth this argument. *In the most famous Councell of Laterane vnder Pope Innocentius the third there is made a Canon which is the third in order containing these words*: Wee doe excommunicate and anathematize all heresie which doth extoll it selfe against this holy Orthodoxall Catholike faith which we before haue declared &c. and beneath: But if the temporall Lord hauing beene admonished by the Church shall neglect to purge his territorie of hereticall filth, let him bee excommunicated by the Metropolitan and other Bishops of that

<sup>1</sup> France vnder a King not well liked of did keepe his Maiestie to entree that the did not degenerate from the sanctitie of his ancestors. So writteth *Paulus Aemilius* lib. 3. in Rege 38. speaking of King *Philip* after he was excommunicated by *Urbanus*.

<sup>k</sup> Epist. 22. 28.  
<sup>l</sup> In that yeare.  
<sup>m</sup> Epist. 56.

<sup>n</sup> For the King was long before crowned with great solemnitie and was in peaceable possession of his Kingdom; and so that ceremonie was rather in honour of the Queen then of the King. See *Paulus Aemilius* and others who write the French Histories.  
<sup>o</sup> In tract. contra. Barclai. pag. 30.



prouince. And if he shall contemne to giue satisfaction within a yeare, let this be signified vnto the Pope, that from thence forth he may declare all his Vassals to be absolved from their fidelitie to him, and expose his territorie to be possessed by Catholikes, who hauing thrust out the heretikes may possesse it without contradiction, and conserue it in puritie of faith, sauing the right of the principall Lord, so that he make no obstacle or oppose any impediment vnto this; the same Law notwithstanding being obserued concerning those who haue no principall Lords. What would Barclay say to this? If this bee not the voice of the Catholike Church, where I pray you shall wee finde it? and if it be, as most truly it is, who shall contemne to heare it, as Barclay hath done, shall be not be accounted as a Heathen and a Publicane, and in no sort a Christian and a pious man?

44 But this obiection is easily answered: First therefore I do think that by those words a *Principal Lord*, or *who hath no Principall Lord*, are not vnderstood Emperours, Kings, and Soueraigne Princes. And that I gather from this that the Emperour Frederike, whose Ambassadors were present at that Councell of Lateran, did, five yeares after the Councell was ended, make the very same constitution in the same expresse words, only changing spirituall punishments into temporall; but it is not likely that the Emperour did intend to comprehend in that decree himselfe, who is not subiect to the Law, and much lesse other Kings who are not subiect vnto him. Moreover in penall lawes Secular Princes, according to the rules of the Lawiers, are not comprehended vnder those generall names of temporall Lords, Magistrates, and Iudges, as neither an Abbot vnder the name of a Monke, nor a Bishop vnder the name of a Priest, nor a Pope vnder the name of a Bishop: seeing that according to the rules of the Law in Sexto in penalties the more fauourable part is to be chosen, and it is meete that severities be made lesse and fauours be enlarged. And if the Councell had intended to comprehend Soueraigne Princes in that Decree, it might as easily haue named them by their proper names of Princes, as by those generall names of principall Lords, or who haue no Principall Lords, especially seeing that the same Councell in other Decrees doth vse the proper names of Princes.

45 But against this answer my Aduertaries do first obiection: If the Councell of Lateran did not in that decree comprehend Emperours, Kings, and Soueraigne Princes, then what persons are those who there all called chiefe or principall Lords, or who haue no chiefe or principall Lords? And I demand of them againe, what persons are those, who in the Emperour Frederikes decree may iustly be called principall Lords, or who haue no Principall Lords? For the answer, so it be solide, which they shall make to my question, will fully satisfie

p F. de Legibus  
leg. Principi.



tie their owne obiection. Neuer thelesse my opinion is, that neither the Councel nor the Emperour did by principall Lords, or who haue no principall Lords vnderstand Emperours, Kings, and absolute Princes who haue no Soueraigne about them in temporals, but onely those Lords who do hold of Soueraigne Princes some territories, prouinces, or perchance also some kingdome in roial, or as it were royall fee harme; & by reason of which tenure they are made vassals to such Soueraigne Princes, although themselves by vertue of the same tenure haue also Vassals vnder them, whose Lords they are, and by how the more or lesse these Lords are exempted from the iurisdiction of Soueraigne Princes, by so much the more or lesse they may be called principall Lords. But let this suffice to haue breely touched this for the present.

45 Secondly they obiekt; Be it so, that Kings and Soueraigne Princes are not chiefly and principally included in that decree of the Councel, yet that secondarily and by consequence they are, or at leastwise might haue beene therein comprehended it is very euident, for if the Pope hath power to deprive for the crime of heresie the subjects of other Princes of their temporall dominions without the consent of their Princes, there can no sufficient reason be assigned why he may not also for the same cause deprive Soueraigne Princes themselves of their dominions.

47 To this obiection I did briefly in my Apologie giue many answers, which I thinke it not amisse to repeat heere again word by word. The first was, that as well the Popes as Councells do oftentimes ordaine many things (the ordaining whereof doth belong rather to the ciuill then to the Ecclesiasticall power) by expresse or tacite consent of Soueraigne Princes, who are present either in person or by their Ambassadors; or vpon presumption or hope at leastwise that Princes will ratifie the same. And this the expositours of the Canon law doe affirme, saith Ioannes Parisiensis, \* For in cap. ad abolendam extra de Hereticis, wherein the Popes Holiness doth command the goods of heretikes to be confiscated, Cardinall Hostienus maketh this question; what is this to the Pope concerning temporalls? And hee answereth with his Master Pope Innocentius: that in very truth it is nothing to him; but hee did this by the consent of the Emperour, who beeing then present at Padua gaue his consent: Thus Ioannes Parisiensis.

48. The second answer I made in these words: f An other exposition the Glosse doth giue vpon the canon, Adrianus dist. 63. where the Pope commandeth the goods of those persons who do infringe his decree to be confiscated, and vpon the Canon Delatori 9. q. 6. where he decreeth the tongues of false promotours to be pulled out, and the heads of conuicted persons to bee stricken off: For the Glosse doth answer, that the Church in these places doth teach what a Secular Iudge ought to doe. Which answer of his may be applied to other

g As with power to hang and draw and with other such like princely Royalties.

7 Nu 454.

\* De potest. Regia et Papali cap. 10.

f In the same place.

¶ In Summa verbo  
p. 2na nu. 9.

¶ Cap. per venera-  
bilem qui filij sint  
legiunt.

such like decrees, wherein the holy Canons doe impose tempo-  
rall punishments: And this answer were those words of Syluester<sup>r</sup> doe  
fauour, who writeth thus: Ioannes Andreas following Hostiensis is of  
opinion that a Bishop cannot impose a pecuniarie mult<sup>r</sup> vpon a lay man  
who is not subiect to him temporally, but he must cause it to be imposed by  
the Secular Iudge.

49 To these answers may bee added, that whensoever the  
Pope doth by a generall Decree ordaine any temporall thing  
which doth preiudice an other mans right, who is not his Subiect  
in temporalls, that decree, as some doe probably affirme, doth  
onely extend, vnlesse the contrary be expressed, to the territo-  
ries of the Romane Church, or to the patrimonie of Saint Peter,  
wherein as Pope Innocentius saith,<sup>u</sup> he doth exercise both the autho-  
rity of the chiefe Bishop, and execute the power of a Soueraigne Prince;  
Whose opinion the Glosse vpon that chapter per venerabilem doth  
seeme to fauour, who saith, that the Popes Holinesse cannot legitimate  
any man who is not subiect to his temporall Iurisdiction in such sort  
as that he may as a lawfull heyre by right succeed in an inheritance, for  
this were to put his sib into another mans haruest, and to vsurpe an o-  
ther mans Iurisdiction, and to deprive a man of his right to succeed,  
which he ought not to doe, and therefore in the Secular court hee can-  
not legitimate vnlesse the Prince shall permit him. But if the Pope can  
not make one legitimate who is not legitimate, or giue one right  
or deprive one of right to succeed: I cannot perceiue by what  
authority he can make a lawfull heyre and a lawfull Prince to be  
vnlawfull, and to haue no right, or to deprive one of that inhe-  
ritance which he doth lawfully possesse.

50 My third answer was, that the aforesaid decree of the  
Councell of Laterane did not containe a matter of Faith but  
only of fact; wherein as well the Pope as those Fathers following  
their owne opinions might erre, and that the Councell did not  
determine that the aforesaid future sentence of depositiō which  
the Pope should denounce against principall Lords, &c. did proceed  
either from authority which without all doubt was in it  
selfe lawfull, or from the sole Ecclesiasticall power without the  
consent of Soueraigne Princes. And therefore the opinion of  
those Fathers doth make no more certainty for the Popes autho-  
rity to depose Princes, then if they had declared their opinion  
out of the Councell: seeing that this only can be gathered from  
the vndoubted doctrine of the Catholike Church, that the infal-  
lible assistance of the holy Ghost is onely promised by Christ our  
Saviour to the definitions and not to the facts and probable opi-  
nions of Popes or Councils.

51 I omit now that those words [that from thence forth hee may  
declare his subiects to be absolved from their Allegiance to him] doe  
con-

containe some difficulty, for if wee will strictly relye vpon these words, they seeme onely to signifie, that it belongeth onely to the Pope to declare the subiects to be already absolued, and not truly and in very deepe to absolue them from their Allegiance.

52 But against this third answer my aduersaries doe vehemently obiect: That doctrine, say they, doth appertaine to faith, which the Popes, Councils and Doctors doe either propose or suppose as a certaine and vndoubted ground and foundation of their decrees and sentences: but this doctrine for the Popes power to depose Princes and to absolue subiects of their Allegiance, is either proposed or supposed by the Popes, Councils and Doctors as a foundation of many Canons and iudiciall sentences, therefore this doctrine doth appertaine to faith.

53 Moreover, if a Generall Council should expressly define that the Church hath this authority, no Catholike could make any doubt but that this matter did appertaine to faith, but seeing that the Council doth suppose it as a sure and certaine foundation of her decrees and sentences, she is thought no lesse to affirme the same, therefore it ought to bee accounted no lesse certaine.

54 Lastly, it is a point of Faith, that the Church cannot erre in doctrine and precepts of manners, by teaching generally any thing to be lawfull which is unlawfull, or to be unlawfull which is lawfull, or also by commending any thing which of it selfe is unlawfull. For such an error is no lesse pernicious to the faithfull then is an error in faith; but if the Pope should not have that authority to deprive temporal Princes of their dominions the Church should erre in doctrine of manners, and that in matters of very great moment. For she teacheth that after a Prince is deposed by the Popes authority all his subiects are absolued from their obedience, and that his dominions may be possessed by an other, as is manifest by the Councils. Also that after a Prince is publicly excommunicated all his subiects are absolued from their Oath of Allegiance: in so much that they are not bound to obey him untill he be reconciled, yea and she doth forbid them to obey him if the censure bee denounced. All which things should be false, and not onely false, but also pernicious; for that thereby the Subiects should be incited to rebellions and perjuries, yea and against their wills be compelled thereunto: therefore the Church doth erre in doctrine of manners, and doth command rebellions & perjuries, and by her censures doth compell men thereunto; but to affirme this is hereticall, therefore that also from whence this followeth is hereticall, to wit, that the Church hath not power to absolue subiects from the bond of their Oath, and from their obedience.

55 These bee the principall objections against this third answer, wherein our most learned aduersaries do greatly triumph, thinking that by them it is most evidently conuined, that it is so certaine, that the Pope by Christ his institution hath authori-

ty to depose Princes: that the contrary cannot bee defended without note of heresie, or at leastwise of manifest error. But let these Doctors, who are otherwise doubtlesse most learned, take heed least that they presume to impose vpon the vnlearned people their priuate and vncertaine collections for vniuersall and vndoubted conclusions of the Catholike faith; for truly that these arguments are not so forcible, as they imagine it may by the practise of the Church and the decrees of Popes very easily bee proued.

56 And first of all, is not the due administring of Sacraments a matter of great moment, and chiefly belonging to the Popes office, and is not an error concerning it to bee accounted most pernicious? But the Pope hath oftentimes giuen leaue to a priest who was no Bishop to minister the Sacrament of confirmation<sup>a</sup>, whereas it is a great controuersie among Diuines, whether the Pope can giue leaue to such a Priest to minister this Sacrament. Seeing therefore that to the Sacraments of the new Law, as the Councell of Florence<sup>y</sup> doth teach, are required three things, the matter, the forme, and the Minister, of which if any one be wanting, it is not a true and perfect Sacrament, and that it is a very great sacriledge, that the due and lawfull matter and forme of a Sacrament should be seriously applied by an vnlawfull minister; if the Pope, in whom onely according to these Diuines the whole Ecclesiasticall power & authority to define infallibly matters of faith doth principally remaine, cannot grant authoritie to a Priest who is no Bishop to minister this Sacrament, as very learned Diuines<sup>z</sup> without any note of error or heresie doe hold, is it not a very great error to grant such licences whereby there is danger that most heinous sacriledges, to wit, the inualide administrations of Sacraments should be committed?

57 Moreover, Pope Sixtus the fourth did in honour of the immaculate conception of the blessed Virgin Mary make a decree<sup>a</sup> for celebrating the feast of her conception, to the end that all faithfull Christians should giue thanks and praise to almighty God for the wonderfull conception, which also he calleth immaculate,<sup>b</sup> of the immaculate Virgin, and notwithstanding it is vncertaine and disputed by Diuines on both sides, without any note of heresie, error or deadly sinne, whether the Blessed Virgin was conceived in riginall sinne, or by the speciall prouidence of God preserved from the same. Is it not therefore from hence manifest, that that doctrine which is either proposed or supposed by the Pope as a foundation of an Apostolicall constitution and decree, and which belongeth to the Religious seruice of God, is not of so certaine and vndoubted a truth, but that without danger of deadly sinne it may be impugned?

x As it appeareth  
bp S. Gregorie lib.  
3. epist. 16. and it  
is related in cap.  
peruenit dist. 95. &  
many Abbots at  
this day haue also  
this facultie.  
y About the end  
in the decree of  
Pope Eugenius.

z Pope Adrian in  
4. in q. de conf. ar.  
3. Durandus in 4.  
dist. 7. q. 3. et 4. Bo-  
nauentura ibidem.  
Alphonfus de Ca-  
stro in lib. de haz-  
resibus verbo con-  
firmatio. Petrus  
Soto lect. 2. de con-  
firm. & others.  
a It is to be scene  
in the fourth tome  
of the Councells  
after the life of  
Pope Sixtus the  
fourth.  
b In the second  
decree.

58 Lastly, some Popes haue oftentimes dispensed with Princes to contract matrimony who haue made a solemne vow of Chastity in approoued Religions, as it is recorded by Historiographers of *Constantia* daughter to *Roger* King of Sicilie, of *Casmirus* King of Poland, and of *Ramirus* King of Aragon, and of *Nicholas Iustinian* a noble Venetian<sup>e</sup>: but if the Pope hath no authority to dispence in the solemne vow of chastity, where of there is a great controuersie among Catholike Doctors<sup>d</sup>, doubtlesse such dispensations would cause very many heinous finnes, and doe great wrong also to other princes, who by such dispensations should bee vniustly deprived of their rightfull inhericance, and iust title to their kingdomes.

59 May we not therefore according to our aduersaries grounds argue in this manner? That doctrine doth appertaine to faith, which the Pope, (in whom only according to these Doctors<sup>e</sup> all authority to define matters of faith doth reside) doth either propose or suppose as a sure ground of his decrees and sentences, but this doctrine that the blessed *Virgini* was not concealed in originall sinne, that the Pope can dispence in the solemne vow of chastity, and giue leaue to a Priest who is no Bishop to minister the Sacrament of confirmation, is proposed or supposed by Popes as a ground and foundation of many their decrees, dispensations and iudiciall sentences, therefore this doctrine doth appertaine to faith.

60 Moreover, if the Pope should expressly define, that the Church hath such a power<sup>f</sup>, no Catholike (those especially who doe hold that the Pope defining without a Generall Councell cannot erre) could make any doubt but that this matter doth appertaine to faith, but seeing that the Popes doe suppose it as a sure ground and foundation of their decrees and sentences they are thought no lesse to affirme the same, therefore it ought to be accounted no lesse certaine.

61 Lastly, it is a point of faith, as our aduersaries doe suppose, that the Pope cannot erre in doctrine and precepts of manners, by teaching generally any thing to be lawfull which is unlawfull, or to be unlawfull which is lawfull, or also by commanding any thing which of it selfe is unlawfull. For such an error is no lesse pernicious to the faithfull then an error in faith, but if the Pope should not haue authority to dispence in the solemne vow of Chastity, or to giue leaue to Priests who are no Bishops to minister the Sacrament of confirmation, the Pope should erre in doctrine and precepts of manners, and that in matters of very great moment. For he doth teach that the Sacrament of confirmation ministered by a Priest who is no Bishop is a true Sacrament: Also, that if a Prince by the Popes dispensation doe marry a professed Nunne, that such a marriage is lawfull and valide, and that their children are lawfully begotten and ought to succeed in the Kingdome. And notwithstanding that the next of the blood Royall should for want of the lawfull issue of this

<sup>c</sup> See *Argum* tom 1. lib. 12. cap. 7. q. 1

<sup>d</sup> For *S. Thomas* and almost all the Thomists and many others whom *Zancher* the Iesuite relateth lib. 8. de matrimonio dis. 8. doe denye that the Pope hath such a power and *Zancher* also saith that this opinion is probable.

<sup>e</sup> For they grant that the Pope alone without a Councell hath authority infallibly to define, and the Councell without the Pope hath no authority at all infallibly to define, so that all such authority is onely in the Pope and dependeth only on the Pope.

<sup>f</sup> To wit, to dispence in the solemne vow of chastity, and to giue leaue to a Priest who is no Bishop to minister the Sacrament of confirmation.



Prince pretend right to the Crowne, yet the Pope may without doubt, according to our adversaries doctrine, command the Subiects, and by censures compell them to acknowledge the issue begotten by that marriage wherein hee did dispence to bee their true, undoubted, and lawfull Prince; all which things would be false, and not onely false but also pernicious, for that thereby the Subiects should bee incited to doe iniuries and against their wills should bee compelled thereunto, and Princes should obtaine free liberty to commit incests, and sacriledges. The Church therefore doth erre in doctrine of manners, and doth counsell sacriledge, and command iniustice, and doth compell by censures the resento; but to affirme this it is hereticall, therefore that also from which it followeth is hereticall, to wit, that the Pope hath not power to dispence in the soleinne vow of chastity, and to give leaue to a priest who is no Bishop to minister the Sacrament of confirmation; And neuertheless neither of these are hereticall or erroneous according to the doctrine of those Diuines but a little before cited. Let our adversaries therefore solue these difficulties, and I will forthwith by their owne solutions vntie those former knots which they imagine can not in any wise be solued.

62 To conclude, are not the reasons, for which the Councils are induced to define any thing of faith, as it were certaine grounds, which are by them proposed or supposed as foundations of their definitions and decrees, and neuertheless no Diuine, as I suppose, will affirme, that those reasons are to be beleeued by Catholikes with the same certainty wherewith the definitions themselves are to beleeued. In the Councils, faith Cardinall Bellarmine, & the greatest part of the Aſſis doe not appertaine to faith. For neither the Disputations which goe before, nor the reasons which are added, nor those things which are brought to explicate and illustrate, are of faith, but onely the bare decrees, and those not all, but onely those which are proposed as of Faith.

63 Wherefore betwixt the voice, doctrine, and consent of the Church firmly beleeuing, or defining any thing to bee of faith, and of the same Church probably, onely thinking there is doubtlesse to be made a great distinction. For no Catholike maketh any doubt but that whosoever contemneth to heare the voice of the Church firmly beleeuing, doth fall into heresie or error, but Catholike Doctores, whose authority our most learned adversaries will not easily reiect, doe in expresse words affirme, that he who being moued with sufficient reason doth not embrace the doctrine of the Church onely probably thinking, doth not expose himselfe to any danger of heresie, error, or temeritie. For Alphonsus Salmeron, and Franciscus Suarez who are doubtlesse most learned Iesuites doe allerge the practise and consent almost of the whole Catholike Church to prooue the immaculate



culate conception of the *Blessed Virgin Mary*, and notwithstanding they doe expressly grant, and without a grieuous sinne they cannot deny, but that the contrary opinion may be defended without any danger of mortall sinne. *We*, saith *Salmeron*<sup>b</sup>, doe bring (for the aforesaid immaculate Conception) the consent almost of the vniuersall Church, and the vniuersall opinion of all vniuersities. And *Suarez*<sup>c</sup>, The second ground saith he; is to be taken from the authoritie of the Church, and first the vniuersall consent almost of the whole Church. And especially for these two hundred yeares almost all Ecclesiasticall writers, Bishops, all almost Religions, and vniuersities haue subscribed.

64. But concerning these matters let this suffice. For by that which we haue already said, what little force the aforesaid obiections of our Aduersaries haue the learned Reader will very easily perceiue. And these are the principall things, which my Aduersaries doe object against my *Apologie* out of those Councils cited by Cardinall *Bellarmino*, whose booke against Doctor *Hawley* I haue diligently read and read againe, which neuertheless, to speake truly, doth so little fatishe my vnderstanding, that it rather confirmeth me in my old opinion, then any whit auerteth me from the same, to which also I was long since determined to haue made an answer<sup>k</sup> if that, as I am credibly informed, another man whom it did more concerne had not taken vpon him to answer the same and therefore I am resolved to deferre my answer, vntil his Reply to my *Apologie*, which our Countymen do daily expect be printed and published<sup>l</sup>.

65. Last of all our Aduersaries doe object a certaine booke which is entituled, *An Apologetical Disputation for the Popes authoritie* composed, as they say, by *Leonard Lessius* doubtlesse a very learned man, wherein as they report, he hath cleerely, perspicuously and evidently demonstrated out of holy Scriptures, ancient Fathers, Councils and 13. inuincible reasons, that the Pope hath power to depose Princes, and that this true Doctrine is not only a Theologicall conclusion, which is contrarie to error, but also expressly defined to be of faith, in so much that the contrarie opinion cannot be defended without manifest heresie.

66. Truly I haue often heard this booke to be much iustly commended by some men, and I cannot deny if it be true as they doe say but that it is written by a very learned man. Neuertheless if this booke doth so cleerely demonstrate, as these men do brag, why doth it not come to light, but, as a businesse walking in darknesse<sup>m</sup>, is suffered to be seene by few, and those only who are thought will applaude it? Whether these be tokens of a good worke, or rather manifest signes that you haue a great diffidence in your cause, I appeale to the iudgement of your selfe, most learned

H h h 3

<sup>b</sup> Ad Rom. 5. dif. 51. 6. Deinde.

<sup>c</sup> Tom. 2. dif. 3. sec. 5.

<sup>k</sup> Master *Iohannes Barclay* who hath now very learnedly answered that booke.  
<sup>l</sup> For I haue seene the copie of a letter of Cardinall *Bellarmino*, who therein he writeth that he hath finished and printed his Answer to my *Apologie* and that he deferreth to publish it for iust causes: therefore most men thinke that it is that Answer which now goeth vnder D. *Schalk* vnder his name.

<sup>m</sup> Psal. 90.

ned

ned man, who is the Author of this booke. Your English forerunner, who for this whole yeare agoe did promise such great matters of this your booke, and did make a compendious abridgement thereof, but so compendiously that no man can cleerly perceiue any one of those yours so cleere demonstrations, is suffered by you to be seene by all Catholikes. And yet the booke it selfe, which your Forerunner promised would fully satisfie wauering mindes, can be neither gotten for loue nor money, neither can it be seene indifferently by all men, but only by very few, and that with a solemne promise not to shew it to others.

67 Are you perchance afraid to publish among Catholikes, and those especially whom you certainly beleeue to erre in their beleeefe, such a booke, which doth most cleerely *demonstrate* a doctrine which is to be beleeued of faith, and which therefore is necessarie to eternall saluation? You doe suffer other bookes which are as dangerous as this is, and which by the Lawes of this Realme are forbidden with capital punishments, to come indifferently into the hands of all Catholikes, and do you so greatly feare to publish this so necessary a booke, which doth cleerly *demonstrate*, as you pretend, a doctrine to be necessarily beleeued of faith, and in such things which doe concerne the authoritie of the *Popes Holinesse* and of Soueraigne Princes? But I feare me that the matter goeth otherwise then some among vs here doe brag. For if that be true which I doe heare (besides that you seeme to confound to *command temporals* with to *dispose of temporals*, and that Subiects are in your opinion by vertue only of Excommunication freed from the bond of their allegiance, and that the *Popes Breues* directed to some one prouince, which by *Eudemion-Ioannes* <sup>k</sup> are called *private letters*, and wherein there is not one word concerning the deposing of Princes, yet doe define that doctrine to be certainly beleeued as a point of faith) some of your examples, which you bring out of the ancient Fathers, to shew that this your doctrine of the *Popes* power to depose Princes was knowne to the ancient Church, doe seeme not so much to tend to the deposing of Princes by the *Popes* authority, as that they may be deposed, yea also and by private authority murdered by the people. But I will no longer exaggerate this matter, it is now high time, that I turne my speech to my namelesse Doctor, who chargeth my *Apologie* with *heresie* and *Ethnicisme*, to whom truly, if he had brotherly admonished me of any error which he had thought haue been therein contained, I should haue giuen him therefore most heartie thanks. But seeing that he hath not set any knowne name, which I should haue respected vnto his letters, which by great chance came vnto my hands, and hath also not publicly and openly, but secretly and treacherously

<sup>k</sup> In Praefat. Paral. Torti.

cherously accused mee among Catholikes of such heynous crimes, and laboured to take away my good name for euer, if I in defending my innocencie shall handle him somewhat roughly, and shall write against him somewhat eagerly, let him thanke himselfe for prouoking mee wrongfully, and let him hereafter bee more warie, how he condemne so easily of *heresie* and *Ethnicisme* those Catholikes, who do hate *heresie* and *Ethnicisme* not one ior lesse then himselfe.

*FINIS.*

### *Faults Escaped.*

*In the Epistle nu. 1. line 33. reade, as thus. no. 6. against line 81. per in the margin c. Cap. 10. sec. 2. nu. 13. nu. 7 l. 39. reade, do shunke.*

*In the Admonition nu. 8. l. 44. reade, shamefully. nu. 27 l. 15. cellus. nu. 29. l. 36. was not turnt.*

*In the Dissertation pag. 31. lin. 22. reade, actually l. 23. actually. p. 60. l. 31. Reabne. p. 78. l. 20. of [er] p. 101. l. 6. as shewd. p. 105. l. 9. hath authoritie. p. 174. l. 19. this oath. p. 181. l. 35. 36. curtd. p. 186. l. 13. what action. p. 192 l. 19. in this. p. 207. l. 1. that as it. p. 209. l. 2. can erre. p. 211 l. 11. no more. p. 214. l. 35. enormous. p. 229. l. 35. name Monke. p. 232 l. 1. E. p. 240. l. 35. utterly. p. 241. l. 30. appearance. p. 243. l. 16. refraine. p. 255. l. 18. no ust. p. 260. l. 15. 16. infinite. p. 262. l. 27. day and day. p. 266. l. 33. Cassianus. p. 288. in the last line of the margin read and 21. p. 293. l. 16. coercion p. 296. l. 25. coercion. pag. 299. l. 4. in the margin grant. and lin. 31. dispose. p. 302. l. 34. coercive. p. 334. l. 19. contra A from the page 341. to 349. put about in the first line Against the Oath of Allegiance. p. 345. l. 28. read the last of January. p. 366. l. 11. forbid. p. 370. l. 28. this Disp. p. 371. l. 10. doe make. p. 374. l. 35. will not. p. 375. lin. 13. so himselfe.*

*In the preface. nu. 10. reade had not. p. 404. l. 2. Censurers. p. 410. l. 3. will come. p. 416. l. 39. originall.*

*The other faults I beseech the courteous Reader to correct.*

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